

CM 334178

1942 SABOTEURS CASE

VOL. X OF XVIII

TRANSCRIPT

X

STENOGRAPHIC TRANSCRIPT OF PROCEEDINGS

Before the

MILITARY COMMISSION TO TRY PERSONS CHARGED WITH

OFFENSES AGAINST THE LAW OF WAR AND THE

ARTICLES OF WAR.

Washington, D. C.

Saturday, July 18, 1942.

334178

1637-1815

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Vol. II

C O N T E N T S .

Saturday, July 18, 1942.

Name of Witness	Direct	Cross	Redirect	Recross
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Millard E. Shaeffer	1693			
Frank P. Meech	1697	1698	1698	
Charles H. Stanley	1699			
L. O. Prior	1702			
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John J. Gleason, Jr.	1764, 1773			
B. D. Rice	1770	1807		
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STENOGRAPHIC TRANSCRIPT OF PROCEEDINGS
Before the
MILITARY COMMISSION TO TRY PERSONS CHARGED WITH
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ARTICLES OF WAR

Washington, D. C.

Saturday, July 18, 1942.

The Military Commission appointed by the President by order dated July 2, 1942, met, in room 5235 Department of Justice, at 10 o'clock a. m., to try for offenses against the Law of War and Articles of War, the following persons: Ernest Peter Burger, George John Dasch, Herbert Haupt, Heinrich Harm Heinck, Edward John Kerling, Hermann Neubauer, Richard Quirin and Werner Thiel.

PRESENT: Members of the Military Commission, as follows:

Major General Frank R. McCoy, President,
Major General Walter S. Grant,
Major General Elanton Winship,
Major General Lorenzo D. Gasser,
Brigadier General Guy V. Henry,
Brigadier General John T. Lewis,
Brigadier General John T. Kennedy.

As Trial Judge Advocates:

Honorable Francis Biddle, Attorney General of
the United States.
Major General Myron Cramer, The Judge Advocate
General, U. S. Army.

Colonel F. Granville Munson,
Colonel Erwin M. Treusch,
Major William T. Thurman,
Officers of the Judge Advocate General's
Department.

Oscar Cox, Assistant Solicitor General of the
United States.

As Provost Marshal:

Brigadier General Albert L. Cox.

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As Counsel for the Accused except George John Dasch:

Colonel Cassius M. Dowell,
Colonel Kenneth Royall,
Captain William G. Hummell.

As Counsel for the Accused George John Dasch:

Colonel Carl L. Ristine.

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P R O C E E D I N G S

The President. The Commission is open.

Colonel Munson. May it please the Commission: The eight accused are present. The staff of the prosecution, except Colonel Weir and Mr. Rowe, is present. The staff of the defense except Major Stone, who is temporarily absent, is present. The reporter is present.

There are four new members of the guard, commissioned and noncommissioned, to be sworn.

The President. They may be sworn.

Colonel Munson. The Commission requires an oath of secrecy from all those who are in the courtroom. That oath extends to the proceedings that occur here and to any conversations about the proceedings outside the courtroom. The Commission instructs me to inform you that a violation of this oath will result in contempt proceedings or other proceedings of a criminal nature. In taking that oath you realize that you subject yourselves to such penalties?

First Lieutenant Joseph H. Story. Yes.

Second Lieutenant Gerald R. Enos. Yes.

Sergeant Charles A. Russ. Yes.

Corporal George C. Beneze. Yes.

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Colonel Munson. Does each of you solemnly swear that you will not divulge the proceedings taken in this trial to anyone outside the courtroom until released from your obligation by proper authority or required so to do by such proper authority, so help you God?

First Lieutenant Story. I do.

Second Lieutenant Enos. I do.

Sergeant Russ. I do.

Corporal Beneze. I do.

Colonel Munson. Those who took the oath were:

First Lieutenant Joseph H. Story, Second Lieutenant Gerald R. Enos, Sergeant Charles A. Russ, and Corporal George C. Beneze.

Colonel Royall. May it please the Commission: Before the taking of testimony is resumed or later, whichever the Commission thinks more appropriate, the defense counsel wish to discuss further with the Commission the matter of publicity and statements. I have no choice about whether it should be done here or whether it should be done in chambers with the Commission. We would be inclined to follow, of course, whatever plan, as to that, which the Commission should deem proper.

The Attorney General. We might do it at recess. Do you wish to do it before any evidence is taken?

Colonel Royall. I do not think that is necessary. I just wanted to advise the Commission that we are ready and have prepared a proposed release which we want the Commission to consider.

The Attorney General. Perhaps it may be done at recess.

The President. Do you wish to discuss it with us or just

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submit it?

Colonel Royall. We should like to discuss it personally with you.

The President. Then, if it is agreeable to both sides, we shall be glad to have you discuss it as we did yesterday at the noon recess.

Colonel Royall. That is all right.

The Attorney General. Mr. Rice will resume the stand.

Lieutenant Page. Mr. B. D. Rice. This witness has been sworn to secrecy.

B. DOWNEY RICE,

the witness on the stand at the time of adjournment on July 17, 1942, resumed the stand and, having been previously duly sworn, testified further as follows:

Colonel Munson. Mr. Rice, in resuming the stand, you understand that you are still under oath?

The Witness. Yes, sir.

The Attorney General. The Commission asked yesterday to see some of the money that was recovered. These are fifty-dollar bills. There are eight of them, one recovered from each defendant. I should like to hand them up for your inspection now.

The President. Yes. You may proceed.

DIRECT EXAMINATION---Resumed

Questions by the Attorney General:

Q Will you proceed, Mr. Rice? I think you had finished with page 7 when you were reading yesterday.

A This portion of the statement is dated at New York, June 29, 1942.

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(The reading of the statement of the defendant Haupt, Exhibit P-217, was resumed by the witness as follows:)

"This job that I was promised was to be at an unnamed place in Germany after the war was over. Lieutenant Cappe was the person with whom I was talking about the above referred to agreements. During the time that Lieutenant Cappe was with us, he occasionally wore a uniform of the German Army, but most of the time was in civilian clothes.

"In discussing the crippling of railroad engines, while we were being trained, we were shown dynamite which had been fashioned in the shape of a piece of coal and colored the same as coal, which had a hollow place for the insertion of the detonating caps. These pieces of coal were designed to be thrown into the coal car and when the coal was passed into the fire of the engine, the heat would set off the detonating cap which would in turn explode the dynamite and wreck the engine. We were also told that by throwing sand or dirt into the hot boxes of the railroad cars the bearings would be burned out. In connection with the destroying of railroad equipment, we were also shown how to place a charge under a railroad track, with a detonating cap in such a position that when a train passed over it, the charge would be exploded and the train would be derailed.

"We were also shown a canal lock one day while it was raining, and it was explained to us that the

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proper way to wreck one of these locks was to lower a charge by means of a string or rope until the charge was near the lower hinge of the lock gate. This charge was to be exploded by means of a fuse, which would transmit fire to the detonating device.

"We were also shown how to use timing devices for the setting off of explosives or fires and shown how to manufacture timing devices from watches and by other methods, one of which necessitated the use of peas in a bottle, which when dampened became swollen, setting off a charge, and another way entailed the use of a tin can containing water with a hole in the bottom, which set off a charge when the water leaked out.

"For a few days after May 15th, we remained in Berlin at a hotel until we were taken to a Naval supply station where we were outfitted with German marine work uniforms and army caps. This clothing was placed in sea bags along with four metal boxes crated in wood; that is, there were four boxes for each group. These boxes contained timing devices for use with explosives, high explosives, pieces of dynamite, simulated coal, incendiary pencils and pens, detonators, fuses and capsules. Two army metal trench shovels were also packed with the sea bags.

"Lieutenant Cappe gave each of us two United States Draft Registration cards, one of which was blank and one to be filled in by us when and where we saw fit, the other of which was filled out in the

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fictitious names we were to assume upon landing in the United States.

"Counterfeit Social Security cards were also furnished us, made out supposedly in a fictitious name. However, there seemed to have been a mistake, as mine was made out in my true name, Herbert Haupt, whereas I was to use the name Larry Jordan.

"We were also told that we were to attempt to develop contacts and assistants in the United States for the purpose of generally creating terror and panic, by causing explosions in places such as locked boxes in railway stations.

"Just before we were ready to leave for Paris, we were each given a money belt containing about \$3,500.00 in United States currency. These belts were placed in three canvas zipper bags which had false bottoms. In the false bottoms was a sum said to be about \$70,000.00 in United States currency. After we got on the train we were each given about \$400.00 in United States currency, in bills of denominations of \$20.00 or smaller, the previous money having been made up of \$50.00 bills. Kerling was furnished with a small bottle containing several matches to be used for secret writing. Lieutenant Cappe was in charge of these preparations.

"The understanding was that Kerling and Dasch, the leaders, were responsible for distribution of the money in the United States. It was generally explained to us that the money was to be used for

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our expenses, and to pay necessary bribes or other payments necessary to carry out our sabotage program. I was told that I would draw \$300.00 per month as living expenses, but it was understood that if it did not cost me that much to live, the difference between my expenses and \$300.00 would be mine to save or spend as I wished. I was to obtain this \$300.00 first from the money belt that had been given to me and later from the leaders.

"In addition to Lieutenant Cappe, there were nine of us in the party that left Berlin for Paris about May 20, 1942. The group that left Berlin for Paris were called Pastorius, after a German who had come to the United States several hundred years ago as a pioneer. We were also considered as pioneers, because we were the first group to come to the United States during this war. The group was divided as follows:

"GROUP NO. 1

George Dasch
Ernest Peter Burger
Henry Kaynor
Richard Quintas
Jerome Swendsen

"GROUP NO. 2

Edward Kerling
Herbert Haupt
Hermann Neubauer
Werner Thiel

"Upon our arrival in Paris we were taken to a hotel. Cappe took the sea bags and money bags from us. We had a good time going to several night clubs, and being entertained by women. We remained in Paris for about two days and then took a train to Lorient, on the coast of France. On the way the sea bags and money bags were returned to us. In Lorient we went to a hotel where we changed from our civilian clothes into the marine work clothes and wore the army caps down to a submarine. We wore these clothes in order that we should not go on a submarine as civilians which would attract attention. The party who boarded the submarine have been mentioned herein as group No. 2 under Kerling, and those under group No. 1 were left in Lorient and were supposed to sail the following day.

"I have not seen any of these men since Lieutenant Cappe took us on board a submarine in the harbor and talked with the captain. I believe the submarine was 584 and the captain's name was Deeke. When the submarine lay in the harbor a sign was hung on the conning tower depicting a sailing vessel. We took with us when we boarded the submarine the sea bags and money, but had discovered in Lorient that some of the money was in gold certificates of the United States which, of course, have been called in, and to have used in the United States would have immediately focused attention on us. We were quite upset about this blunder and took the matter up with

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Cappe. He explained that he was not responsible for the packing of the money.

"We left Lorient on the evening of May 27th, and the next morning we were bombed by a British flyer who had spotted us as we had come to the surface. He dropped about eight bombs near us and thoroughly scared us, but did no damage. On the way over we accidentally met another German submarine while travelling on the surface one day, and later we sighted a fast freighter of about 20,000 tons which we chased for a while, but were unable to torpedo, due to the fact that its speed and zig-zagging tactics made it impossible to get close enough to it for a shot.

"In the early morning of June 17th the submarine approached the beach of Florida near Ponte Vedra. It was a pretty clear night, and the presence of air planes in the vicinity caused us to stall around for a while. Finally the submarine drew to within about 50 yards of the beach and a rubber boat was blown up and launched. We dressed in swimming trunks and the army caps, and placed the boxes which we had brought in the sea bags, the shovels and zipper bags in the boat, together with one sailor from a submarine and we paddled to the beach and landed the boxes and bags. The sailor immediately returned with the rubber boat to the submarine after jumping to shore momentarily, scooping up some sand to take with him as a souvenir.

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During our landing a deck gun had been manned to cover possible trouble on the beach. We walked north along the beach a short distance carrying the materials about 300 feet back from the ocean. In the sand we buried the boxes using the shovels we had brought for that purpose. We took bearings on the spot where the material was buried, so that we would recognize it when we saw it again. We then removed our swimming trunks and put on civilian clothes, which we had brought in the zipper bags. We then buried the shovels and the army caps.

"The reason we had worn the army caps was that the possibility of our capture as we landed had been considered, and it was felt that if we were captured wearing the army caps which were part of the German army equipment, we would be considered German soldiers, and therefore prisoners of war and not subject to the death penalty for entering the country as spies.

"We then walked north along the beach for some distance until we reached a point on the beach in front of a golf club at Ponte Vedra. We stayed there until about 11 A.M., swimming and resting on the beach. Kerling and I walked almost to Jacksonville beach in our swimming trunks, and then walked back to Ponte Vedra, where we joined the other boys. All of us then changed from our trunks to our regular clothes that we had brought along on the submarine, and walked over to the main highway from the beach to a gasoline filling station. I inquired as to the

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bus schedule, and shortly thereafter a bus came along which all four of us boarded to Jacksonville, Florida. I paid approximately \$1.35 to the bus driver to cover all four tickets. After getting on the bus, we split up into pairs, Thiel and myself sitting in the middle of the bus and Kerling and Neubauer sitting immediately behind us. It took the bus approximately 45 minutes to arrive in Jacksonville, and then we all got off the bus about one block from the Mayflower Hotel. We arrived in Jacksonville just shortly after 12 o'clock noon.

"Werner Thiel and myself registered at the Mayflower Hotel; Thiel registering as William Thomas, and I registered in my right name. Neubauer and Kerling went to another hotel, the George Washington, and registered there. I got a hair cut, something to eat and went to stores in Jacksonville, buying a tan leather travelling bag with a \$50.00 bill. I also bought a tan suit of clothes, a neck tie, a wrist watch, shirt, underclothes, shaving equipment and a hat. I have since been shown this clothing by Special Agents of the F.B.I., and have identified it as well as the swimming trunks which I wore when landing on the beach. Returning to the hotel I had a meal with Thiel, who had also bought some clothing, and that evening I met Neubauer and Kerling on a street corner, in accordance with previous arrangements. We then went to the Mayflower Hotel and discussed plans. I told them I wanted

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to go to Chicago and Thiel wanted to go to Cincinnati. It was arranged that Neubauer would get in touch with me in Chicago through Walter Froehling, my uncle, at 3643 North Whipple Street, Chicago. The general plan was that we would split up and later on, after we had purchased clothing, and established ourselves, the leaders and Thiel would meet on the 4th of July at the Hotel Gibson in Cincinnati. After this, Kerling was to meet me, and I was to drive him to Florida in order to dig up the materials buried on the beach and take them to the scene of our operations. I told the others that if I could not be reached through my uncle, Walter Froehling, in Chicago, they should call Maywood 3609, which is the telephone number of Carl Bartler. Bartler lives in Maywood, Illinois, a suburb of Chicago. He had formerly been a close friend of my family, and I felt that he could be trusted to take a message for me. However, since my return, I have not seen Bartler. Before I left Jacksonville, Kerling gave me one of the zipper bags with the money in the false bottom, which I was to take to Chicago and leave at the home of Walter Froehling. This bag was supposed to contain about \$15,000.00 or \$20,000.00.

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"The following morning, June 18th, at 8 A. M., I took a train for Chicago alone. The next day, June 19th, Friday, I arrived at Chicago about 3 o'clock in the afternoon. I took a taxi to Walter Froehling's house. In connection with Walter Froehling I would like to say that while in Germany, on one of my first talks with Cappe, he mentioned Froehling's name. He said I had an uncle in Chicago, and he gave me Froehling's correct address. He said that Froehling had a brother in a concentration camp in Stettin, named Otto Froehling, and that I was supposed to tell Walter Froehling about it. The reason I was to tell Walter about Otto's predicament was in order to force Walter to work with my group and to give us what assistance we needed; that is, it was planned that Walter Froehling's home would be used as a mail drop, and as a place where we could get in touch with each other and leave messages. Cappe said that the only way Otto could get out of concentration camp would be by having Walter cooperate fully with us. Later on Froehling's name was furnished to Edward Kerling for use as stated above.

"It was near 4 o'clock Friday afternoon when I arrived at Froehling's home. He was there together with his wife and two children. My Aunt Lucy immediately asked me whether I had been home, and I said no and explained that the sudden shock of seeing me might upset my mother. She told Walter Froehling to call my mother immediately and tell her to come over. He did this, telling my mother that his wife was sick. He then went over to pick her up. When my mother arrived I hid in the bedroom

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until Froehling broke the news to her that I was home, and she rushed in to greet me. In the presence of the Froehlings, I began telling my mother the story of my experiences since leaving the United States, which included my trip to Mexico City, Japan, thence to Germany, my experiences in Germany, and finally my trip back to the United States by German submarine. At first my mother did not believe that I had been over to Germany. However, I had told her of seeing the grandparents over there and after telling her details of my visit to Germany and being with the folks, she and the Froehlings finally believed my story. During the time I was talking with the Froehlings and my mother, my mother kept calling home to determine if my father had arrived as yet, inasmuch as he was out on a painting job, and had not come home at the time Froehling went to bring my mother back to his house on North Whipple Street.

"After remaining at the Froehling's home from approximately 4 P. M. to 7 P. M. on Friday, my mother finally reached my father at home by telephone, and he immediately came over to the Froehling's home. He had no idea that I was there until he actually saw me in their home.

"After my father arrived at the Froehling's home and we exchanged greetings, I again repeated the story about my trip to Mexico City, Japan, Germany, and my return trip from Germany in a German submarine, in the presence of Mr. and Mrs. Walter Froehling and my mother. At that time I opened my suitcase which I had purchased

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in Jacksonville, Florida, taking out the zipper bag containing what I believed to be between \$15,000.00 and \$20,000.00 in a false bottom. I wanted to leave the zipper bag containing this large sum of money at his home, and he and the others were fully aware that this money was given to me just prior to my return trip from Germany, on the submarine, by officials of the German Government. I told Froehling that under no circumstances should he allow anyone to take this zipper bag. I then told Froehling to hide the zipper bag on top of the mantel in the dining-room.

"At the time we were all engaged in this discussion I also told them that I had other money by did not mention the sum. I also told Froehling at this time that there were three other persons who landed with me in Jacksonville on this submarine. I told him that I was expecting a telephone call from a friend, and that this call would come to the Froehling's house on Sunday about 1 P.M. in the afternoon.

"We remained at the Froehling's house until approximately 11 o'clock that night and then my father, mother and I went to our home at 2234 No. Fremont Avenue, in my Dad's Plymouth automobile. I took my suitcase with me containing all of my belongings with the exception of the zipper bag containing the money which I was instructed to leave at the Froehlings and which was left their with their consent.

"After arriving home we were all very tired and did not go into any great discussion concerning the details

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of my travels. However, my mother and father and the Froehlings knew that I was working for the German Government in some capacity but they did not know actually what I was to do.

"On Saturday June 20, 1942, I remained at home all day seeing no one or talking with no one until that evening. My father was at work all day but my mother remained at home with me. About 8 o'clock Saturday night my mother called the mother of Wolfgang Wergin who lives at 5416 South Wood St. telling her that she and my father would be over in a little while. The three of us went over to the Wergins home arriving there about 11 o'clock. While at the Wergins' home I delivered the message to them from their son, just stating that he was alright and that he sent his love. I told them of our trip to Mexico, Japan, France and then Germany. I informed them that their son Wolfgang and I had both received a German medal for running the British blockade. I told his mother that he was employed in a railroad station as a helper moving packages. I did not actually tell the Wergins that I attended a sabotage school in Germany. However, I informed them that I returned to the United States on a German submarine and it was more or less understood by them that I was employed in some capacity for the German Government. I also told them some bad news about their son, stating that although he was not held by the Gestapo that if anything happened to me in the United States there was a good chance of Wolfgang being picked up by the Gestapo and something happening to him. They knew

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that I was supposed to carry out some assignment in connection with the German Government and that if I reported anything to the F.B.I. or government officials in the United States, that their son Wolfgang would be immediately picked up by the Gestapo if word was received by them to that effect.

"Mr. and Mrs. Wergins were very much upset over the possibility that something would happen to their son and counseled me to register for the draft. My mother and father also advised me to register for the draft. My mother and father thought that if I registered for the draft I would be here legally and that there would be no excuse for the FBI to question me concerning my Selective Service registration. I also thought it was a good idea to register because I did not want to be picked up by the FBI in the event I was found back in this country before the meeting to be held July 4, 1942, in Cincinnati, Ohio, at the Gibson Hotel where all persons would meet who returned from Germany in the two submarines.

"A girl boarder came home to the Wergins place early Sunday morning about 2 a.m. and the discussion concerning my trip to Germany was ended. My parents and I left the Wergins home about 4 a.m. Sunday morning, driving directly to the Froehlings home on North Whipple St. I went to the Froehlings' home to spend the night or the remainder of Sunday morning at their home because I was expecting a telephone call from Neubauer at 1 o'clock Sunday. The Froehlings' knew about this telephone call and it had

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been prearranged that I was going to sleep at their home Saturday night in order that I might be there when the telephone call came in. This was nearly 5 a.m. and Froehling answered the door. I went in and found that Alfred Grunow a relative of my family's from Minneapolis was sleeping there. I moved in next to him on a studio couch.

"When I awoke about 10 or 11 a.m. the next morning Grunow and Froehling were painting chairs. Around noon time a telephone call came to Froehlings' house which was answered by my little girl cousin, then by my aunt, and uncle Walter and finally myself. When I answered Hermann Neubauer was on the wire and we agreed to meet about an hour and a half later at Chicago theater. I met him at the appointed time outside of the theatre and we walked to the theater where we saw "The Invaders" a movie about an invasion by men who landed in a rubber boat from a submarine. After leaving the theatre we had lunch in a restaurant next door and talked for about a half hour. During this time Neubauer told me about the trip of the other members of the group in Cincinnati; how they acted; that they were afraid to get into a taxicab; that Kerling, Dasch and Theo were coming to Chicago to stay at the Knickerbocker Hotel on July 6th, and that he was to contact them there. He told me that he was staying at the Sherman Hotel. He asked me what I had been doing and I told him, but I told him that I had told everyone that I had just returned from Mexico. We made arrangements for another meeting that was to

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take place at the Chicago Theatre which was to take place Wednesday, June 24th, at 1 p m. He said he was going to contact Frank Anlauf whose address I wrote on a card placing same in my wallet. He said he was going to arrange to leave his money with this man.

"When I left Neubauer I returned to Froehlings place and later my father and mother had brought my suitcase over. I had previously called the Wergins and told them that I would be at Froehlings that evening, and they came over. After they arrived we talked for a short time about Wolfgang. Froehling said that the people in the apartment above him were beginning to wonder about the number of people staying with him and I decided to go home that night. I took my suitcase with me and went in Wergins' car. The Wergins' remained at our house until nearly 1 o'clock in the morning talking about my trip and Wolfgang. During the evening the Froehlings, Wergins and my mother and father were extremely worried about what was going to become of me and all of them were of the opinion that I should immediately register with the draft board and get a job. The Wergins left and I remained at home that evening.

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Golding
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Wilfong
10:30

"The following day June 22, 1942, I went to Local Draft Board No. 66 in Chicago in the morning and registered, receiving a card. I took a taxi to the FBI office in Chicago where I talked to an agent, telling him that I was back from Mexico; that I had registered for the draft and that I had had R.O.T.C. training here. He asked me if I would go to war for the U. S. and I said I would rather not fight against the German people but if I had to go I would go. The agent then permitted me to leave. The reason I had gone to the FBI office was because I had found out upon returning home the previous Friday that in my absence two FBI men had been to my house and to Froehlings house inquiring for me about the draft and I figured that I had better straighten this question out before any further inquiries were made. From the FBI office I returned home. I went to 2038 Cullom St., where I visited the parents of a friend of mine named Lawrence Jordan, who was an American Sergeant reported missing in the Philippines. I then went to say 'Hello' to a boxing instructor at the Queen of Angels Guild Hall and returned home. That evening I went with my parents to the home of Mr. Andreas Grunau who is superintendent of the Simpson Optical Co. He wasn't home but we waited for him and I told him I was back from Mexico and asked for a job. He said he had a job for me and I could start Thursday. I knew that Grunau had been back to Germany in 1939. He told me that Simpson was now working fulfilling government contracts for optical parts of bombsights and other instruments. I agreed to

start work Thursday. Then we left and visited Henry Koch, foreman of Simpson's Optical Co. who is also a family friend. I told him I was going to start work there. I told him I had been in Mexico looking for gold. We then returned home.

"On Tuesday, June 23, 1942, I spent the morning at home. My mother called Gerda Stuckeman at her place of employment at the Hotel Bismark. They arranged a luncheon appointment and my mother went downtown to meet her. I went for a walk and to the Belmont Theatre and saw a movie, after which I returned home. Upon my return my mother was there and she told me that Gerda was excited and wondering if I didn't want to see her. I called her up and told her to come over that evening to my house. She agreed. I then went with my father to look for an automobile. I had a 1941 Plymouth when I left the U. S. which I had signed over to my father and which he still had. I wanted to have a car and we went to Morton Motors, a Pontiac dealer nearby and bought a 1941 used Pontiac sport coupe. The selling price of this car was \$1045 and I put \$400 down. We arranged to buy this car in my father's name because I knew from instructions received on the other side and from Kerling that I should not buy a car. I told my father the reason I wanted the car in his name was so that he would have it in case I was arrested. The \$400 down payment; the \$400 was made up of money taken from my money belt. My father knew that this was money that I had brought from Germany with me. This money had been

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taken from the money belt prior to going to buy the car, and I had thrown the empty money belt in the trash.

"When I took the money from the belt I put some aside for the purchase of the car and kept some for spending money, and the remainder, amounting to about \$2500 I placed in an envelope and hid it under the rug in my parent's bedroom. I later told my father about the money being under the rug.

"After I registered and obtained a proper draft card I tore up the draft card given to me in Germany in the name of Larry Jordan and burned this in the kitchen of my home. My father signed the finance papers. We returned home but Gerda had not arrived yet so I went out to meet her. I went to Lincoln & Webster Sts. but I missed her and returned home and found her there. I spent the evening at home with Gerda. Then I took her home in the Plymouth, stopping for a drink on the way. We decided to get married and I returned home to my parents' house and spent the night.

"On Wednesday June 24, 1942, I spent the morning at home and about noon Mrs. Wergin came over to go downtown with my mother. The two of them went out. In accordance with previous arrangements I met Hermann Neubauer at 1 p.m. at the Chicago Theatre in the lobby and went in to see the show with him. After the show we went down to the sitting lounge of the theatre and I told him about my having registered with the draft

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board. He was doubtful whether this was advisable. He told me he was going to move away from the Sherman Hotel and he wanted to find a hotel where there were negroes employed because he worked in hotels before he left Chicago and many employees knew him; that he might move up to the Sheridan Plaza, The Edgewater Beach or some Northside hotel. He did not say when. We arranged a meeting for 10 or 10:30 Sunday night at the Uptown Theatre. He said he might go to Cincinnati to meet the other fellows at the Gibson. He also said that he knew how to get in touch with Kerling in New York, at a hotel, the name of which I don't know. He told me that he had been to see a man and his wife who lived near the home of his wife's Alma's parents. He told me that he had difficulty convincing these people that he was Hermann Neubauer and they wanted to see his scars. The reason he went to these people was because they were friends of his wife's and he left his money with them. He told me that he had told them the circumstances of his coming from Germany.

"After leaving Neubauer I called up Gerda and she told me she had taken a blood test and wanted to know if I had taken one in order to get our marriage license. I told her I had but this was not true. I told her I would call her again Saturday for a date. I then returned home for supper, after which I went over to the Pontiac dealer and obtained the car with my father and we got the car we had negotiated for the evening before. After this I drove to Wernecke's but he was not at home.

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I went into the corner restaurant and saw him sitting there and spoke to him and made a date for Friday night to meet him at the Blue Danube Tavern. I drove home; was unable to get into the house and drove over to the Vine Garden, on North Avenue. There I inquired of the manager, with whom I had formerly been acquainted and he told me about quite a few fellows who were in jail. He told me that Hans Joachin Kaufmann was in the County Jail. I had previously learned from Mrs. Cappe, wife of Lieut. Cappe, that she was a sister of Kaufmann and wanted me to give him greetings if I saw him in Chicago. Later in the evening a man came in the Vine Garden with a girl and I recalled seeing him before in Kaufman's presence and I inquired about Kaufman. This individual offered to get in touch with Kaufman's sister for me and I wrote down his telephone number in my address book but did not follow this up. I then returned home.

"On Thursday, June 25, 1942, at about 7:45 a.m. I went over to Wernecke's house but he was not there and I visited with Mrs. Wernecke until about 10 a.m. Willie wasn't at home. Mrs. Wernecke told me that Willie had spent the night at the farm of Otto Donath. At about 10 a.m. Mrs. Wernecke placed a telephone call to Donath's store and told Mr. Donath that if someone came inquiring for her son Bill Wernecke, that it would be alright to let them see him. She was referring to me. I followed Mrs. Wernecke over to the store in our automobiles. She went in and told Bill that someone

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was outside ~~inquiring~~ for him and when he came out he was very nervous and apprehensive, but was relieved to see that it was me. When we went into Donath's store Bill told me he thought I was in Japan, but I lied to him and told him no, I had been in Mexico and South America and had someone send the cablegram for me from Japan. This conversation was in the presence of Mr. and Mrs. Donath but Mrs. Wernecke had gone.

"With Bill Wernecke I then went to see Dr. Otten on South Parkway. I felt that I needed an examination as I was jittery and Wernecke recommended this doctor. I also thought my heart was overtaxed. Wernecke recommended this doctor to me saying that the Donath's used him. This doctor advised me that my heart was beating a trifle fast and he suggested a cardiograph. He also gave me some pills to aid my digestion and help me to sleep. We returned to Donaths. I left Wernecke there and went home for supper. I later returned to Donaths, and intended to go to a show with Wernecke but Mrs. Donath and her daughter suggested a ride into the country. Mrs. Wernecke came along. Also Bill Wernecke. We went in Mrs. Wernecke's car. We drove out toward the Des Plaines. Along the way Mrs. Donath said she thought a car was following us. I did not believe so. Mrs. Wernecke wrote down the license number of the car thought to be following us and kept it. Bill Wernecke then stopped the car and told me to get out and look at the tires, which I did. This was for the purpose of seeing what the car would

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do, and it stopped behind us. We started off again and Bill drove up along side of this car and we observed that there were two men in the front seat of the car. The car turned off after this and we decided that no one was following us.

"In DesPlains we called on Ernie Scharff. The reason we called on Scharff was because he was a mutual friend. He is engaged in a cleaning and dyeing business. He was not at home so we drove to a tavern and had some beer. We then returned to Scharffs' but they were in bed and we only visited with them for a short time and returned to Donaths'. After dropping Mrs. Wernecke at her home Bill left in his car and Mr. Donath called me and told me to get Bill's outboard motor out of the house as its odor of gasoline was offensive. He put the outboard motor in my Pontiac and I went home.

"On the morning of Friday, June 26, 1942, I again went to Wernecke's home. We went downtown and I waited downstairs while Bill went up to the office of Mrs. Elizabeth Dilling author of 'The Red Network.' Bill came down with some literature he had obtained in Mrs. Dilling's office wrapped in a package. Later he transferred this package to his car. Prior to the time he went to Mrs. Dilling's we went to 23rd St. and left the outboard motor with a marine supply company for repairs. We then went to St. Joseph's hospital and thence to the Grant Hospital where I had a cardiograph. We then went to Donaths where Bill received a call from Larry Reynolds. I formerly knew Reynolds as

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a member of the America First Committee. He is supposed to be a traveling salesman. Reynolds came over and was surprised to see me. We drove up to Evanston in my car and Reynolds bought a suit and went in a bookstore. He tried to buy a couple of books, possible about international affairs, but was unable to obtain them. We returned to Donaths and I left them and returned home.

"In the evening I went over to the Blue Danube Tavern and met William Vallee who is an employee in the Scientific Department of Simpson's Optical Co. He had two fellows with him, one of whom was named Hans and is an apprentice at Simpson's Optical Co. and the other man, whose name I do not know, is also an employee at Simpson's. We had dinner and afterwards went to the Allerton Hotel where we went to the Tip Top Room and had some drinks. From this place we went to the Vine Garden where I left them. I drove home with Hans who lives near my house. I let him out at my house and went in.

"The following morning shortly after I left my home I was arrested by FBI agents.

"The foregoing statement consisting of nineteen typewritten pages has been read by me and I have initialed each page and willingly signed it, as it is true."

The statement is signed by Herbert Haupt and witnessed by B. D. Rice, Special Agent, F.B.I., and Earl Hirsh, Special

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Agent, F.B.I.

The Attorney General. I would like to have this marked for identification.

(The second statement of Herbert Haupt was marked Exhibit P-218 for identification.)

Questions by the Attorney General:

Q Mr. Rice, I show you an exhibit marked P-218. What is that?

A This is a second statement that Special Agent Earl Hirsh and myself took from Herbert Haupt.

Q When did Haupt sign it?

A Haupt signed the statement July 3, 1942.

Q Where?

A At the New York office of the F.B.I.

Q Did he read it before signing it?

A Yes, sir.

Q Did he make any corrections?

A Yes, sir, he did.

Q How were they noted on the statement?

A They were noted on the statement in ink and Haupt initialed the places next to the corrections.

Q Did he initial each page?

A Yes, he did.

The Attorney General. I offer the exhibit in evidence and ask the witness to read it.

Colonel Royall. No objection by the defendant Haupt. The same stipulation, of course, applies to this.

(Exhibit P-218, previously marked for identification, was thereupon received in evidence.)

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Questions by the Attorney General:

Q Go ahead and read it.

A The statement is dated July 3, 1942.

EXHIBIT P-218

(The following statement of the defendant Haupt, Exhibit P-218, was read by the witness:)

"I, Herbert Haupt, make the following voluntary statement to Earl Hirsch and B. D. Rice, who have advised me that they are Special Agents of the Federal Bureau of Investigation, and that I do not have to make this statement. This statement is supplemental to a previous voluntary statement which I made at Chicago, Illinois, under date of June 28, 1942 and signed June 30, 1942 in New York. No threats or promises have been made to me.

"I would like to say that since making the previous statement I have been shown a photograph of four men, and have identified from this photograph the man known to me as Lieutenant Walter Cappe, or Kappe.

"With respect to William Wernecke, mentioned in the previous statement, I would like to clear up certain portions of my activities with him. While talking with Wernecke shortly after meeting him, he asked me if I had registered for the draft, and I told him I had, but had not as yet received a questionnaire. He said that I would probably be drafted right away and ought to do something about it. He said he would take me to a doctor

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for an examination, and that I should tell the doctor that I had coronary thrombosis, rheumatic pains, swelling of my ankles, pain in my left upper arm, dizzy spells now and then, headaches every week, indigestion, pains in my chest, and pains in my back. According to Wernecke, no doctor in the world could tell whether my heart was bad or not, because a bad heart doesn't act up all the time. He said that I would probably have to be examined by a draft board doctor later on, but it would be a good idea to go to another doctor first in order to establish that I had been receiving treatment.

"We then went to see the doctor he had in mind, who was Dr. F. B. Otten, at 3856 South Parkway. Bill explained that Dr. Otten was a friend of his, and also of the Donaths, and I later learned that Bill was taking literature he obtained from Mrs. Elizabeth Billing to Otten. Wernecke introduced me to Dr. Otten. Wernecke told the doctor that I was ailing, and the doctor replied, 'We'll fix him up'. I told Dr. Otten the symptoms and he gave me an examination. He took my pulse, and blood pressure, and informed that the blood pressure was high, probably due to nervousness. I told him I had fever in Mexico and had been taking quinine, and he replied that that was what probably caused my heart to act up. Otten said he thought my heart was all right. While Otten was in another room, Wernecke told me to suggest to Otten that I have a cardiograph taken. I did this, and Otten said it would be all right.

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"He gave me some pills to aid my digestion and to help me sleep, and I told him I would be back after having the cardiograph. I told him I wanted something to show them at work that I was not in good condition, and he gave me a note dated June 25, 1942, on his prescription paper, which has been shown me by the agents, which purports to certify that his findings were such that he advised against undue physical exertion for me, until a more definite diagnosis could be determined. I asked Otten if there would be any charge for this examination, and he said No.

"After leaving Dr. Otten's, Wernecke told me about his own case. He said that he had obtained a draft deferment for physical disability, conscientious objector, Bible student, or minister. He said that he had feigned deafness; he had succeeded in making the draft board believe he had coronary thrombosis by being examined by a doctor and with a cardiograph; he feigned rheumatism by telling the examiners he was stiff, and had rheumatic fever. He said he had contended that he was a conscientious objector and Bible student by reason of his connection with an organization which, as best I recall, was the Christian Mobilizers, and explained that very little was necessary to become a minister or Bible student, or student minister. He said it was easy to start your own religion. This could be accomplished by having three or four persons get together and start

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worshipping some object, and they could then appoint their own ministers. It was our plan for me to join his religion, which was the Christian Mobilizers, and he gave me an application to join, which I left at home.

"He said that he had taken three pills made up of one-one hundredth gram of nitro-glycerin which would cause his heart to beat rapidly, and then had a cardiograph examination during which he beat on his chest, causing the graph to show a palpitation. He had then submitted the results of these examinations, and statements as to his disabilities and reasons for deferment, and sent them to his draft board. He was never bothered after that and received a deferment, but he was always worried.

"Before going to a hospital for a cardiograph, Bill and I went to a drug store in the Loop, where a male clerk waited on me, and I ordered six nitro-glycerin pills, one-one hundredth gram. However, the clerk told me that these pills could not be bought in quantities of less than one hundred, so I bought a bottle of one hundred, paying about thirty-nine cents for same. We went to St. Joseph's Hospital and arranged for a cardiograph, and just before I was to take the examination I went outside and took three of the nitro-glycerin pills, because Bill had told me that they should be taken about fifteen minutes before the examination.

"Returning to the hospital I was afforded the examination, and while I was lying on the table,

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Wernecke stood behind a door and made faces and motions to indicate to me that I should hold my breath and beat my chest, and otherwise attempt to disturb the cardiograph. The nurse standing by however, prevented me from doing this, but I was able to hold my breath. I was charged a five-dollar fee, and although the hospital wanted to send the cardiograph to Dr. Otten, I made arrangements to pick it up the following day and deliver it to Otten. My arrest prevented me from doing this.

"The remainder of the pills I took home and left in the medicine cabinet. I was keeping these pills because Wernecke told me I would probably be examined by a draft doctor and would need to take a few more before this examination.

"Wernecke also left me for a short time while I was with him in a bank. He went across the street to his 'church', and upon his return told me that he had spoken to the head man about my case, and the head man told him that the Administration was against God, but he was for God, and he would help any man to stay out of the Army to keep from fighting against God. For \$100 this man would register me as a Bible student dating back to 1941, and would ordain me as an assistant minister. I did not get a chance to talk to this man.

"Concerning the disposition of the money given to me in Germany for the purpose of carrying out the proposed program of sabotage in the United States, I would like to explain what became of this. Upon my

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arrival in the United States I had approximately \$3,500 in a money belt, \$400 in my pocket, and a zipper bag which contained an amount said by Kerling to be between \$15,000 and \$20,000, although I never did actually see this money. After arriving in Florida I spent about \$42.50 for a suit; \$42.50 for a watch; \$46 for a suitcase; \$25 for miscellaneous articles of clothing; \$55 for train fare and incidentals on my trip from Jacksonville to Chicago; and about \$20 in and around Chicago for taxi fare and entertainment. I gave \$10 to Gerda Stuckeman for the purpose of paying for a blood test necessary before getting a marriage license.

"On the evening when I first went to the home of Mr. and Mrs. Otto Wergin, while talking to Mrs. Wergin her conversation indicated that the Wergins were pressed financially, and later in the evening, while in the kitchen with her, I gave her a fifty-dollar bill from the money brought from Germany. I told her that this was a present from her son Wolfgang, who had given the money to me for her. Of course Wolfgang had not given me this money to give to her, and there is no question that she believed me, because she well knew that Wolfgang did not have fifty dollars to be sending her, and if he did, it would not be in United States currency. She thought it was a dollar at first, but when she saw that it was a fifty, she exclaimed that this was the first time she had ever seen such a bill.

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"Along that line, there is no doubt that both Mr. and Mrs. Wergin knew that I had brought money from Germany with me on the submarine, and that I was to act as a German agent in the United States, because while I was talking with them when visiting them with my parents, Wergin said, in the presence of Mrs. Wergin and my family, after hearing my story, 'Don't tell me, I know you're an Intelligence man.' He said that he had done something like that for Germany in Egypt in the last war, and said, 'If you ever need a good man to help you, I'm your man.'"

"We had a discussion about the status of Wergin's son, Wolfgang, and I told them that if I was caught in this country, that he might be picked up in Germany. However, I did not tell them that he was being held, nor did I tell them what punishment he would get, as I did not know. Wergin then guessed that his son would be coming along in a submarine too.

"Wergin told me to watch out for a 'tail', and to stay away from his house, as he didn't want me to be followed there, and that when the Wergins wanted to see me, they would come over to my house.

"All of our conversation at the Wergin home took place within earshot of Mrs. Wergin, who occasionally left the room to mix drinks.

"Concerning the money belt which had been given me in Germany, several times prior to landing from the submarine I counted the money in this belt and it was about \$3500.00. It was sewed up at the time of my

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landing. When I reached Walter Froehling's home, I was wearing the money belt and found it to be quite tight. While with Aunt Lucille and Uncle Walter Froehling prior to the arrival of my parents, I could stand the pressure of the money belt no longer as I had cut it too short, and it was pressing on my stomach. I removed it and gave it to Aunt Lucille, telling her that it was money and asked her to keep it for me in a drawer, which she did. When I left that evening with my parents I took the money belt with me and of course all of them saw it at this time.

"My aunt and uncle, of course, knew that I had just returned from Germany on a submarine on a mission for the German Government because I told them all about my trip as soon as I got in the house. When my folks came over I told them both about the trip and they expressed fear that I would be caught. I comforted them by saying, 'No, I was schooled'.

"While at the Froehling home I showed the zipper bag with the false bottom containing the money given me by Kerling to both the Froehlings and to my folks. My uncle took a good look at it and I told him, 'Don't throw it away--there is money in there, and don't give it to anybody no matter what they say or who asks for it'. I told him that there was a great amount of money in there. I told them I had brought the money with me from Germany. I told them that three other men had come with me; that I was expecting

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a phone call Sunday noon from one of them without telling them his name.

"Concerning Walter Froehling's brother, Otto, in Germany, I told them that he was running a barbershop but told them nothing about his being in a concentration camp and did not tell them that if they did not cooperate with me Uncle Otto would not be released.

"When I left the Froehling's that evening with my parents, Mrs. Froehling gave me my money belt and I took it over to my home with me. The following day I opened it and threw it in the trash. The money was removed from this belt and placed in a brown envelope which I found in one of the drawers. I hid the money under the rug in my parent's bedroom.

"I told them I wanted to buy an automobile and wanted it taken in my father's name so that in case anything happened to me the car would not be lost; that is, if I was arrested he would still have the car. At Warner Motors my father and I found a Pontiac costing \$1045.00 which I decided to buy. They told me that the down payment would be \$400.00.

"The following afternoon I removed \$400.00 from the brown envelope. Later my mother received a call from Warner Motors stating that the down payment would be \$60.00 more and \$50.00 would have to be taken in a note. I waited until my father came home and then in their presence in the bedroom removed \$50.00 more from the brown envelope from under the rug under the bed. I then went with my father to

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Warner Motors where he made the down payment and signed the note for \$50.00. The next day I withdrew enough money from the envelope to make up the balance due on the car and gave it to my father, telling him to continue the monthly installments.

"My mother was worried about our using this money because she had heard about an article in the newspaper where large bills were coming into the United States from Fascist countries and there was a lookout for them, so she did not want me to use this money and of her own initiative she withdrew \$150.00 from the family bank account and offered it to me to pay for the car. This \$150.00 was placed in with the other money. Possibly the \$150.00 was mixed with the \$460.00 down payment because it was believed to be a good idea to have some money in the payment which we were certain was good.

"Concerning the purpose of my coming to the United States, I believe that the Wergins were well aware that I was a German agent because of the things they said and because of the things they told me to do to keep from being caught. I told them that their son, Wolf, had signed up with the German Army for a twelve-year term and am quite sure they were not particularly worried about anything happening to him in Germany as a result of my possible apprehension in the United States. Mr. Wergin stated that he knew that I was with the German Intelligence Department. I

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did nothing to correct this impression.

"The Froehlings also knew that I was up to no good. I told my father that my job over here was to hinder production. My mother said, 'You are here to do something against the country and here we are earning our living here.'

"I didn't tell Bill Wernecke about the true purpose of my being in this country because I was afraid to trust him with this information. However, I told him that I had mentioned his name to the German Consulate in Mexico City as being a good German and it made him feel very happy. He said he was afraid that no one would remember Wernecke; that is, he feared that his efforts along anti-Semitic lines and his work in disseminating German propaganda would not be recognized over in Germany. Wernecke knew that I had a blank draft registration card. We were talking about explosives, a subject with which he is familiar, and I told him I had learned about explosives too, but didn't tell him where.

"While at the home of Andreas Grunau with my parents, we talked with Grunau about the war and he expressed the opinion that Germany was winning. He said that you had to be careful of what you said, especially in his position, which is superintendent of the Simpson Optical Company. He was a former German World War flier and was of the opinion that Germany has the better army in this war. He figured

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that Russia is just about beaten and Egypt was about to fall. He said that he wished Germany would win.

"In talking about the job he had offered me at Simpson's, I asked him whether I would be deferred and he said that I would.

"The foregoing statement consisting of seven pages has been read by me, and I have initialed each page and willingly signed it as it is true.

(Signed) "Herbert Haupt

"Witnessed:

(Signed) "B. D. Rice
"Special Agent, Federal Bureau
of Investigation, New York,
New York.

(Signed) "Earl Hirsh
"Special Agent, Federal Bureau
of Investigation, New York,
New York."

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Questions by the Attorney General:

Q You did not take any other statements from the defendant Haupt, did you?

A No other written statements.

Q Is there anything which he said to you which bears on your direct examination which is not covered by the statements, that you now recollect?

A Yes. He told me about the money and clothing that he had left at his father's home.

Q That is covered by the statement, is it not?

A Yes, sir.

Q Anything additional?

A I do not think so, sir.

Q I show you certain articles of clothing which I have had marked for identification.

(A coat was marked P-219 for identification. A photograph of coat was marked P-219-A for identification. Swimming trunks were marked P-220 for identification. Photograph of swimming trunks was marked P-220-A for identification.)

The President. I think we will take a recess at this time for 15 minutes, and I will ask the defense counsel and the Attorney General to come into the Commission's chambers.

(An informal recess was taken, at the conclusion of which the following occurred:)

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The President. The recess is over and the Commission is open.

Colonel Munson. The same personnel as that prior to the recess is present, except that Colonel Weir and Major Thurman of the prosecution staff and Major Stone of the defense staff have returned to the courtroom.

The witness is reminded he is still under oath.

Questions by the Attorney General:

Q I show you this coat which has been marked P-219.
Can you identify it?

A Yes, sir.

Q Did you show it to Haupt?

A Yes, sir, I did.

Q What did he say about it?

A Haupt told me on June 23rd when I was talking to him in Chicago--he gave me a list of the clothing he had bought in Jacksonville and the clothing he had brought with him from Germany which was at his home at 2234 North Fremont Avenue in Chicago, and when the agents recovered the property there it was again shown to him. This time they showed him the coat and he said this was one he took with him to Germany and brought back to America.

Q You mean bought in America?

A This originally was obtained from Ernie Scharff.

Q Where did he get it, in America?

A In America.

Q And took it to Germany?

A And took it to Germany.

Q And brought it back here?

A That is right.

Q This is a photograph of the coat, P-219-A?

A Yes, sir.

Q I show you P-220. What is this?

A These are the maroon bathing trunks that Haupt said he had taken from the United States to Germany and then worn when he left the submarine and landed on the beach at Ponte Verda.

The Attorney General. I offer these two photographs, 219-A and 220-A, in evidence.

Colonel Royall. No objection.

(Photographs of Haupt's coat and bathing trunks were thereupon received in evidence and marked P-219-A and P-220-A, respectively.)

Questions by the Attorney General:

Q Did you go to the Froehling house?

A Yes, sir, I did.

Q What occurred there?

A As a result of talking to Haupt I went to his home with Special Agents P. V. Robe and E. R. Fletcher and there found Walter Froehling, who accompanied us to his home at 3643 North Whipple Street in Chicago, and at his home found a zipper bag on top of a mantel in the dining room.

Q Did you examine the zipper bag?

A I looked at the zipper bag. He previously had told me it had a false bottom and I turned this bag over to Special Agent Lynch.

Q Special Agent who?

A J. A. Lynch.

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Q Special Agent Lynch?

A Yes.

Q You did not go through the bag yourself?

A No, sir. It was empty at the time.

Q Did you find anything else that Haupt told you about, at Froehling's?

A At Froehling's house?

Q Yes.

A No, sir, I did not.

Q What did Haupt say to you about the articles found at the landing place?

A While talking to him about the landing he said after burying the explosives he and Kerling also buried a short distance away from that place the four German military caps that they had worn over and also the two German trench shovels that they had used to dig the holes wherein they buried the explosives.

The Attorney General. Cross-examine.

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Colonel Royall. This cross-examination is on behalf of the defendant Haupt.

CROSS-EXAMINATION

Questions by Colonel Royall:

Q Mr. Rice, you have seen a number of these defendants, have you not?

A Yes, sir.

Q All of them, have you?

A Yes.

Q At one time or another you have seen all of them, is that correct?

A Yes.

Q The defendant Haupt is by many years the youngest of the crowd, is that right?

A Yes, sir. I don't know how many years he is younger, but he is the youngest of the crowd.

Q He is about 22 years old, is that correct?

A Yes, sir. He was born in 1919.

Q Now, I believe you said in addition to what is contained in the written statement which has been put in evidence and read by you that there were also some other conversations with Haupt, is that correct?

A Yes, sir.

Q Haupt told you, did he not, that his reason for leaving Chicago originally was trouble with this girl?

A Yes, sir. He said also on July 1st he was scheduled to register for the draft and he left on June 16th.

Q He gave you the incident about his trouble with a girl?

A Yes, sir.

Q And he told you that when he left his intention was to go to Mexico and possibly down into Nicaragua, is that right?

A That is right.

Q I am not certain, but were you present when Dasch made his statement?

A No, sir.

Q You were not?

A No, sir.

Q Were you present when defendant Burger made his

5b

statement?

A I was present during the questioning of Burger.

Q During the questioning?

A Yes.

Q Haupt told you that his parents never knew he went to Germany at all until he returned, isn't that right?

A I do not quite get the question.

Q I say, until he returned to America his parents had no knowledge that he had gone to Germany; did he tell you that?

A Well, for a long time he contended that he did not tell them he had even been to Germany, that he had just been to Mexico, and later on he of course told them where he had been, but part of that time they did not know he had been to Germany.

Q In other words, he consistently said that until his return from Germany he had never informed them he was in Germany?

A That is right.

Q He told you the circumstances of meeting some German down in Mexico and being first offered by that German some method of getting into Nicaragua?

A No, sir. He said he met a fellow by the name of Hans Sass and that he had just about run out of money at that time and Sass recommended he go to see the German Consulate or the German Consul there for help, which he did.

Q Didn't he tell him to go to the German Consul first about help to get to Nicaragua?

A No, sir. He said originally when he got down there

6b

they were not aware of the fact it was necessary to have a visa to go to Nicaragua, when they got there they found that out and were unable to go any further than Mexico. He originally had a letter addressed to someone in Nicaragua who was to give him a job.

Q I know it is difficult, Mr. Rice, to remember all these statements in every detail, but didn't he originally go to Von Wallenburg to assist him in getting a visa to go to Nicaragua?

A He did not tell me that.

Q It was suggested he go to Von Wallenburg so he could go to Nicaragua and get the necessary papers for it, didn't he tell you that?

A No, sir. He said he went to the German Consulate and he and Wergin told the Consulate they were German boys and needed help.

Q At any event he did tell you he found it impossible to get to Nicaragua without a visa?

A Yes, sir.

Q And that then he accepted assistance from the Germans and decided to go to Japan, is that right?

A He said they offered him a ticket if he would contract to pay back the money that was loaned him, later on.

Q That is, a ticket to go to Japan?

A He said the German Consulate assumed he wanted to go back to Germany and he said at that time they could only guarantee that they could get as far as Japan.

Q And he went to take a job in Japan, didn't he?

A Yes.

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Q And he told you that he cabled his parents from Japan, didn't he?

A Yes, sir.

Q And that he had cabled them from Mexico?

A I don't remember anything about his having cabled from Mexico. He did say he cabled them from Japan, telling them that he was all right.

Q He wrote to them in one place, didn't he?

A He wrote to them from St. Louis and Dallas, I believe.

Q Now, he also told you that when he got to Germany he was regarded with suspicion because he was an American citizen, didn't he?

A He said that his citizenship was not quite established, due to the fact that he believed he was an American citizen because of derivation from his father, who was a naturalized citizen, in that he had never made any affirmative act or sworn allegiance to this country and therefore it was possible he was a German citizen, and there was some question in the minds of the German officials who questioned him as to whether or not he was a German citizen.

Q He did tell you he was watched pretty closely by the Gestapo and other agencies, did he not?

A Yes, he did.

Q And he found it impossible to get work in Germany of any kind because of his citizenship status, the uncertainty of it?

A No, he did not say that. He was unable to get work because he could not get a work permit.

Q But was not that work permit related to the citizenship situation; didn't he tell you that?

A No, sir, he didn't say that.

Q Did you get information that he was regarded with suspicion and watched closely by the other members of this group at school because they thought he might be an American?

A No, sir.

Q Did you ever discuss that feature of it with Burger, do you recall?

A Yes, sir. I did not discuss whether or not he was regarded with suspicion but I discussed whether or not he would be considered one who would carry out the purpose of his venture and--

Q Now--

The Attorney General. I don't believe the witness has finished. What did Burger say?

A Burger said he thought that Haupt was principally interested in the monetary angle of the matter, that he would do anything for money, and that was his first undertaking to do here, was to go to an optical company where he had worked and explore the possibilities of sabotaging that place.

Questions by Colonel Royall:

Q Were not you present when Burger said they were all instructed to watch Haupt closely?

A No, sir.

Q You were not there during all of his questioning, were you?

A No, sir, I was not there during all of his questioning.

Q Did he tell you he was asked to come to Berlin to write a story in connection with his trip and running the blockade?

A Yes, sir.

Q And did he tell you that they were holding his friend Wergin over there in some sort of a camp or something?

A No, sir. He said his friend Wergin was working as a baggage man in a railroad station, either Koenigsburg or Danzig.

Q He said they would hold him responsible in some way if he did not live up to his obligations?

A He said it was not clear, but he understood that Wergin would possibly get in trouble if he reported the matter after his arrival here.

Q He did tell you the name of Froehling, his uncle, was brought up by Kappe, who knew his address and name, didn't he?

A Yes, he did.

Q And is it not a fact that Haupt used his own name even when he landed at Jacksonville and registered at the hotel?

A He said he did.

Q He told you that he had instructions, definite instructions, not to use his own name but to use the name of Larry Jordan or Lawrence Jordan, didn't he?

A No, sir, he did not. He said it was proposed he use the name of Larry Jordan, but he felt he could arrange to use his own name and in that way tell his own story of having returned from Mexico and he would not be subject to suspicion in this country.

Q He did tell you that it was suggested by the organization in Germany to use the name of Jordan and he was given registration and social security cards with that name, wasn't he?

A He said he was given a Selective Service registration card in that name, but was also given a Social Security card in his correct name, Herbert Haupt.

Q Answer my question as to whether he registered in Florida in his own name or not.

A I cannot say that of my own knowledge. He told me he did.

Q You did not check it?

A No, sir.

Q You don't know whether any agent did?

A I cannot say.

Q Now, he told you he was not supposed to go home to his parents until he had accomplished his mission, didn't he?

A No, sir.

Q He did not tell you that?

A No, sir.

Q Did he tell you he was not supposed to see Gerda or any of his old acquaintances?

A No, sir, he did not.

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Q In some of these matters about which I questioned you, was there some period when Mr. Hirsh was present and you were not in talking with Haupt?

A That I can't say. I can't very well answer for Hirsh.

Q I thought maybe you were all together during the entire time or there were occasions when you left Haupt alone with Hirsh.

A Oh, there were occasions when one of us would be present.

Q Did he tell you that he intended to expose this plan?

A Yes, he did.

Q Did he tell you that he knew that if he did not expose it, Burger would turn them all in anyhow?

A No, sir. He said after he was arrested, when asked how he thought he came to be arrested--he said he thought that Burger had possibly turned the other men in.

Q He knew of Burger's experience in the concentration camp?

A Yes, he did.

Q That gave rise to that feeling; is that what he said?

A He said he had no direct conversation with Burger on that subject, but he had gathered that Burger wasn't entirely in accord with the mission.

Q I believe he told you that Burger told him that he hated the Gestapo worse than he hated anything else in the world, or something to that effect?

A No, sir, he didn't say anything.

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Q Didn't he say that he expressed hostility to the Gestapo?

A No. As I say, he had no conversation with Burger on the subject.

Q But he did say, though, that he intended, as soon as he could get the group together, to abandon the plan and let everybody turn in? Or was he going to turn them in? Which did he say?

A To whom were you referring, sir?

Q To Haupt.

A Yes, Haupt said it was his intention to turn the group in on the 4th of July at Cincinnati.

Q He told you, did he, that he knew the F. B. I. had been following him the night before he was arrested?

A He said that he knew he was followed, but he didn't know who was doing it. He was afraid that the money that he had on him had become known and possibly he would be held up.

Q Did he tell you as evidence of his intention not to go through with the plan that although he knew he was followed, he made no effort to escape? Did he make a statement of that kind?

A No, sir, I don't recall any statement like that.
Colonel Royall. That is all I care to ask.

Colonel Ristine. I have no questions.

The Attorney General. There are just a few questions I should like to ask.

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REDIRECT EXAMINATION

Questions by the Attorney General:

Q Did Haupt say to you whether or not Kappe had told him to get in touch with Froehling in the United States?

A Yes, sir.

Q What did he say?

A His instructions were to go to Froehling and to make arrangements to use him as a mail drop and as a meeting place or where the members of the group could get in touch with each other, and also to use as a place where he could leave the money.

Q When--what day--did Haupt say to you that he intended to expose this plan?

A He said that on June 27.

Q How long had he been under apprehension at that time?

A Well, he was arrested about nine o'clock in the morning, and I first talked to him about four-thirty in the afternoon, and in the next hour he told me about intending to expose the plan.

Q Was that in answer to a question from you, or was it volunteered by Haupt?

A That was volunteered.

Q Did he say to you at what time the intention to expose the plan had first come into his mind?

A I don't believe he did say when he formulated the plan.

Q Did he say whether or not he had discussed this exposure with any other member of either of the two groups?

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A He definitely said that he had not discussed the exposure with any other member.

Q Did he say whether he had discussed this plan to expose the project with any other person since he had been in the United States?

A Along that line, the only thing that he said was that on the evening before his arrest he had been with two employees of the Simpson Optical Company, the names of whom he did not know, and that while drinking with them he told them--he told one of them--that after a while he would be with the F. B. I., but he didn't indicate what he meant, and he didn't know the man's last name.

Q Do you know whether or not that was before he went to register?

A That was after he registered.

Q Did he say to you when he thought he was being followed?

A He indicated that the first time he thought he was followed was the night before his arrest. Previously, when he had been in the car with Mrs. Donath and Wernecke and Mrs. Wernecke, the two women had thought that they were followed and had noted down the license number of a car.

Q Yes, that has been testified to, I remember.

A But he didn't believe he was at that time.

Q I think you testified that Haupt had said in his statement that his father had purchased a car, did you not?

A Yes, sir.

Q Did you testify whether or not Haupt said to you what he was going to use the car for?

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A Yes, sir. He said that he had previously arranged with Kerling to obtain an automobile, as Kerling knew that he already had an automobile, a 1941 Plymouth, and they were to meet in Chicago, and from there he was to drive Kerling and a girl that Kerling already knew to Florida, where they would dig up the cache of explosives, and the girl was then to take the explosives in her baggage on a train to New York.

Q Who was the girl, if he said?

A He said that Kerling knew who the girl was but didn't indicate to him the name of the girl.

Q When were they to go to Florida?

A They were to go to Florida shortly after July 6, when they were to meet at the Knickerbocker Hotel in Chicago.

Q When were they to go to New York, if he said?

A After going to Florida and obtaining the explosives, they were then to go to New York.

Q What were they to do with the explosives in New York?

A They were then to carry out their program of sabotage.

Q Do you mean that Haupt said this to you?

A Yes.

Q That they were to carry out the program of sabotage after they took the explosives to New York?

A Yes, sir.

Q Had he communicated that plan to other members in his group with the exception of Kerling, if he told you, of course?

A In talking with Neubauer, Neubauer had indicated to him knowledge of the meeting at the Knickerbocker Hotel on July 6.

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Q Of the proposed meeting?

A Yes, sir.

Q Which never took place?

A No, sir.

Q What about the fourth member of the group? Had Haupt's intention been to communicate with the fourth member, Thiel?

A He said--

Q (Interposing) Who said?

A Haupt said that Werner Thiel was to come to Cincinnati for the meeting there--the proposed meeting there--on July 4 and then would probably come to Chicago, too, for the meeting on July 6. The entire group was supposed to meet at the Knickerbocker on July 6.

Q Did Haupt say to you whether his mother had advised him to take any course of action in this matter?

A Yes, he said that his mother was quite worried and that inasmuch as F. B. I. men had been inquiring for him in his absence about a draft registration matter, she believed it would be a good idea if he would register and obtain the proper Selective Service card immediately, after he first talked with her. He did that.

Q Had she given him any further advice?

A Yes, she told him that he should get a job as soon as possible in Chicago.

Q Was that all she told him?

A In the statement--

Q (Interposing) You need not go over the statement. It is all covered in the statement, is it?

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A Yes.

Q I am referring now only to matters that are not covered in the statement. It is a little hard to remember some details.

Did the statement say whether or not Haupt said to you that he was assigned a German Army number?

A No, sir, he did not.

Q Do you mean Haupt did not say anything about that to you?

A No. We discussed the possibility of his being a soldier, and he said that he was given to understand that his status was similar to that of a soldier, but he didn't say anything about having a number.

Q Did he say anything about the pledge he took, except that which is already in the statement?

A No, sir, he didn't.

The Attorney General. That is all.

REGROSS EXAMINATION

Questions by Colonel Royall:

Q Mr. Rice, is this testimony you have given on redirect examination about the use of the automobile to be found anywhere in either of these two statements?

A About the proposed use of it?

Q Yes.

A I don't think so, sir---about the trip to Florida.

Q Why did you not put that in the statement, if it is correct?

A Well, it certainly was not left out for any reason. Apparently that came up in conversation with Haupt during the

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questioning or possibly after the taking of the statement and was a related matter that was not included in the statement.

Q When did that happen? While you were writing the statement or afterward?

A My recollection is that we discussed this matter thoroughly while riding on the train from Chicago to New York, at which time it was not possible to make adequate preparations to dictate, and we merely discussed the plan and the operation, in order to complete the statement when we arrived in New York.

Q When was that trip to New York?

A We left Chicago on June 28 and arrived in New York the following day.

Q It was before the statement of July 3, then, was it not?

A Yes, sir.

Q It was on the very day of the statement of June 28, was it not?

A Yes, sir.

Q I believe you have already testified that those statements embodied what had been told you over a course of several days?

A Yes, sir.

Q I will ask you again: Why did you not put it in the statement, if it is correct?

A The only reason I can ascribe to that is inadvertence. It certainly was not with any intention to leave any pertinent portions out.

Colonel Royall. All right, sir.

The Attorney General. That is all.

The President. Are there any questions by the Commission?

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There seem to be none. The witness is excused.

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The Attorney General. I will call Agent Lynch.

I will ask the reporter to mark these articles for identification (handing to the reporter a satchel and a photograph thereof).

(Satchel was marked P-221 for identification. Photograph of satchel was marked P-221-A for identification.)

While we are waiting, may it please the Commission, yesterday Mr. Cox offered a photograph marked P-81, and the contents were not read on the record or spread in the record. So I desire to read it now. I refer to the secret writing on the handkerchief. It is as follows (reading): (P-81)

"Maria da Conceico Lopez
Lisbea, Rua D. Carlos Mascarenhas 52 r/e Dir

"Pas Krepper c/o E. Frey
R.F.D. 2 Box 40 F, Rahway

"Walter Frohling
3643 N. Whipple Str., Ch.

"Ernest Dasch
11 Pelham Rd, N. London

"F. D. P. (Frans Daniel Postorius)

"Maria da Conceico Lopez
Lisbea, Rua D. Carlos Mascarenhas 52 r/e Dir.

"2158 - 37

P. B 142"

Lieutenant Page. This witness has not been sworn to secrecy.

Colonel Munson. (Addressing Mr. Lynch) In addition to your oath as a witness, the Commission requires that an oath of secrecy be taken of each witness, and requests me to inform each witness taking that oath that violation of it may result in contempt proceedings or proceedings of a criminal nature. In so taking the oath, you understand that to be the fact?

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Mr. Lynch. Yes, sir.

Colonel Munson. Do you solemnly swear that you will not divulge the proceedings taken at this trial to anyone outside of this court room until released from your obligation by proper authority or required so to do by such proper authority?

Mr. Lynch. I do.

Colonel Munson. You swear that the evidence that you shall now give in the case on hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Lynch. I do.

JOHN A. LYNCH

was called as a witness for the prosecution and testified as follows:

Colonel Munson. Will you state your name, residence or office address, and occupation?

The Witness. My name is John A. Lynch. My office address is 1900 Bankers Building, 105 West Adams Street, Chicago, Illinois. I am a Special Agent with the Federal Bureau of Investigation.

DIRECT EXAMINATION

Questions by the Attorney General:

Q I show you P-221 and ask you if it is a bag that was turned over to you by-- Who turned it over to you?

A Special Agent Rice.

Q Did you examine it?

A Yes, sir.

Q What did it contain?

A I opened the bag and it contained \$9,950 in fifty-dollar bills.

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Q Did it have a false bottom?

A Yes, sir.

Q Is this (indicating) the false bottom?

A Yes, sir. The paper goes underneath that.

The Attorney General. That is all.

I offer the photograph in evidence.

Colonel Royall, No objection and no questions.

(Photograph of satchel previously marked for identification P-221-A was received in evidence.)

The Attorney General. Does the Commission desire to ask the witness any questions?

The President. No questions.

(The witness left the stand.)

The Attorney General. I will call Mr. Shaeffer.

Lieutenant Page. This witness has not been sworn to secrecy.

Colonel Munson (addressing Mr. Shaeffer). In addition to the oath usually required of a witness, the Commission requires that an oath as to the secrecy of these proceedings be taken, and I have been directed to inform each witness given that oath that violation of the same may result in contempt proceedings or proceedings of a criminal nature. In taking the oath do you understand that?

Mr. Shaeffer. Yes, sir.

Colonel Munson. You solemnly swear that you will not divulge the proceedings taken at this trial to anyone outside of this court room until released from your obligation by proper authority or required so to do by such proper authority?

Mr. Shaeffer. Yes, sir.

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Colonel Munson. You swear that the evidence you shall now give in the case on hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Shaeffer. I do.

MILLARD E. SHAEFFER

was called as a witness for the prosecution and testified as follows:

Colonel Munson. Will you please state your name, residence or office address, and occupation?

The Witness. Millard E. Shaeffer, Special Agent, Bureau of Investigation, 1900 Bankers Building, Chicago, Illinois.

DIRECT EXAMINATION

Questions by the Attorney General:

Q On June 27, 1942, did you go to the house of Mr. and Mrs. Hans Haupt, 2234 North Fremont Avenue, Chicago, Illinois?

A Yes, sir.

Q Did you search the house?

A I did.

Q What did you find there?

A I found the sum of \$2,550 in fifty-dollar bills and, with this money, a blank certificate of registration for the Selective Service.

Q Where was the money?

A In a brown envelope under the rug in the bedroom of Mrs. Haupt.

Q Was the envelope sealed?

A No, sir.

Q In what room was it?

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A In the bedroom.

Q Did Mr. Haupt take you up and show it to you, or did you search for it?

A No; Mr. Haupt and Mrs. Haupt executed a waiver of search.

Q And you looked around the house?

A That is correct.

The Attorney General. That is all.

Colonel Royall. No questions.

The President. Are there any questions by any member of the Commission? (No response) There seem to be none.

(The witness left the stand.)

The Attorney General. I will call Agent Meech.

The President. Will this witness take any length of time, as far as you can foresee?

The Attorney General. Five minutes or less, sir.

The President. Then this will be the last witness for this session.

The Attorney General (after a pause). I am sorry, but the witness does not seem to be available.

The President. We will then take the luncheon recess and will meet again at either 1:30 or 2 o'clock, to meet the wishes of counsel.

The Attorney General. I prefer 1:30.

The President. Very well. We will resume at 1:30.

(Whereupon, at 12:30 o'clock p. m., a recess was taken until 1:30 o'clock p. m.)

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A F T E R R E C E S S

(The Commission reconvened at 1:30 o'clock p. m., upon the expiration of the recess.)

The President. The Commission is open.

Colonel Munson. The full personnel of the Commission and of the staffs of the prosecution and the defense, the eight accused, and the reporter are present.

The President. Before we proceed, I have a statement to make regarding the Commission's suspended ruling on the continuing objections of the defense counsel, in which he objects to the admission of statements contained in the confessions and admissions of the various defendants as affecting the other defendants.

The Commission rules that those statements are admissible as affecting the other defendants. In view of this decision, the counsel for the defense is at liberty to recall for cross-examination any witnesses he may desire.

Colonel Royall. May it please the Commission: Possibly I have had a misunderstanding, but I had thought that we were going to be given an opportunity to present our views on that question at whatever time the Commission thought proper. With that in view, we have had a rather thorough investigation made of the law on the question.

I do not want to do a vain thing, but I should like to have an opportunity to present those views to the Commission if it is in order. I had understood that it was the purpose of the Commission to wait for further developments before making a definite ruling. There have been some of those developments.

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We have a number of cases which we think are in point, including some from the Supreme Court of the United States, on facts that are similar to these, and the matter is important from another standpoint. The Attorney General has himself stated in previous argument that these confessions would in no event be admissible except on the conspiracy charge.

Therefore, if the Commission would permit me, I should like, on behalf of these defendants, to present our views on that.

The President. Of course, we will hear your views.

The Attorney General. May we step up to the bench and speak privately for a moment?

The President. Certainly.

(The Attorney General, Colonel Royall, and Colonel Ristine approached the bench and conversed privately with the members of the Commission.)

The President. Upon request of both sides, as represented by the Attorney General and Colonel Royall, the ruling of the Commission is further suspended.

The Attorney General. Agent Meech.

Lieutenant Page. Mr. Frank F. Meech. This witness has not been sworn to secrecy.

Colonel Munson. I will inform the witness that there are two oaths taken: the usual oath required of a witness and an oath as to secrecy in these proceedings.

The oath as to secrecy, I am instructed by the Commission to state, if violated will subject the offender to punishment for contempt or other proceedings of a criminal nature. In taking that oath, you so understand that to be the rule?

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Mr. Meech. I do.

Colonel Munson. Do you solemnly swear that you will not divulge the proceedings taken in this trial to anyone outside the courtroom until released from your obligation by proper authority or required so to do by such proper authority?

Mr. Meech. I do.

Colonel Munson. Do you swear that the testimony you shall give in the case now on hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Meech. I do.

FRANK F. MEECH

was called as a witness for the prosecution and testified as follows:

Colonel Munson. Please state your name, office address, and occupation.

The Witness. Frank F. Meech. I am a special agent of the Federal Bureau of Investigation. My office address is 1900 Bankers Building, Chicago, Illinois.

DIRECT EXAMINATION

Questions by the Attorney General:

Q Mr. Meech, on July 2, 1942, as a result of information received by you from Hans Max Haupt, did you proceed to the house of Carl Eggert at 3438 North Seeley Street, Chicago, Illinois?

A I did.

Q Did you search the house?

A I did.

Q What did you find?

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A We recovered \$900 in fifty-dollar bills.

Q Where were the bills?

A Do you mean where they were located?

Q Where did you find them?

A The bills were found in a cabinet in the dining room of the home of Carl Eggert.

Q Was Agent Fisher with you?

A That is right.

The Attorney General. Cross-examine.

CROSS-EXAMINATION

Questions by Colonel Royall:

Q In how many places was this money distributed around?

A Just one.

Q That is the only one you know about?

A That is correct.

Q You do not know in how many places Haupt's money had been distributed around, do you?

A I do not.

Colonel Royall. That is all, sir.

REDIRECT EXAMINATION

Questions by the Attorney General:

Q Was the money in an envelope?

A No, it was not.

Q Was it in any container?

A It was in a small wooden box.

The Attorney General. That is all.

The President. Are there any questions by the Commission?

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There seem to be none. The witness is excused.

The Attorney General. Agent Stanley.

Lieutenant Page. Mr. Charles H. Stanley. This witness has not been sworn to secrecy.

Colonel Munson. Yes, he has.

Mr. Stanley, you were sworn to secrecy before, were you not?

Mr. Stanley. Yes, sir.

Colonel Munson. You are reminded that you are still under oath.

Mr. Stanley. Yes, sir.

Colonel Munson. You have also taken the oath as a witness.

Mr. Stanley. Yes, sir.

CHARLES H. STANLEY

was recalled as a witness for the prosecution and, having been previously duly sworn, testified further as follows:

DIRECT EXAMINATION

Questions by the Attorney General:

Q Mr. Stanley, on July 1, 1942, did you exhibit to the defendant Haupt certain articles of clothes?

A Yes, sir, I did.

Q You have identified the defendant?

A Yes, sir; over there (indicating).

Q What articles of clothes? Will you come up to the table and show the Commission what you showed him? First, this duffel bag?

A Yes, sir.

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The Attorney General. That is marked as Exhibit P-24.

Questions by the Attorney General:

Q You showed him that duffel bag?

A Yes, I did.

Q What did he say about that?

A He said this was a duffel bag similar to the one they brought from Germany, which was issued to them in Germany and brought over on the submarine, containing explosives. He said that just before they left the submarine, they removed the explosives from the duffel bag.

Q Exhibit P-22 appears to be a marine cap. Did you show him that?

A Yes, I did.

Q What did he say about that?

A He said this was a cap similar to the ones issued to them in Berlin and worn by them on the submarine to America and which he wore ashore in Florida on June 17.

Q What had he done with it?

A He doesn't recall. He didn't recall whether it was buried there or if it was returned to the submarine.

Q Now, these pants, Exhibit P-39. Did you show him these?

A Yes, sir.

Q What did he say about them?

A He said these pants were similar to the ones issued to him and his group in Berlin and worn by them on the submarine to America and were left on the submarine when they landed in Florida.

Q And the coat, Exhibit P-32?

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A Yes.

Q What did he say about that?

A He said this was a coat similar to the ones issued to him and his group in Germany and worn to America and left on the submarine when they landed on June 17 in Florida.

The Attorney General. That is all.

Colonel Royall. No questions.

The President. Are there any questions by the Commission? There seem to be none. The witness is excused.

The Attorney General. Agent Prior.

Lieutenant Page. Mr. L. O. Prior. This witness has not been sworn to secrecy.

Colonel Munson. Mr. Prior, in addition to the oath you take as a witness, the Commission directs also the taking of an oath of secrecy. I am directed by the Commission to inform those who take this oath that violation of it may result in contempt proceedings or other proceedings of a criminal nature. In taking that oath, you understand that to be the fact?

Mr. Prior. Yes, sir.

Colonel Munson. Do you solemnly swear that you will not divulge the proceedings taken in this trial to anyone outside the courtroom until released from your obligation by proper authority or required so to do by such proper authority, so help you God?

Mr. Prior. I do.

Colonel Munson. Do you swear that the evidence you shall give in the case now on hearing shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Prior. I do.

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L. O. PRIOR

was called as a witness for the prosecution and testified as follows:

Colonel Munson. Please state your name, office address, and occupation.

Mr. Prior. My name is L. O. Prior. I am a special agent of the Federal Bureau of Investigation from Miami, Florida.

DIRECT EXAMINATION

Questions by the Attorney General:

Q Mr. Prior, as a result of directions from one of your superiors, did you proceed to Florida? Did you go to Florida?

A I am stationed at Florida.

Q Excuse me; I had not heard that. What did you do with reference to the instructions that you received?

A I proceeded to a point approximately four miles south of Jacksonville, Florida, and dug in the sand in that vicinity, in the vicinity where on June 25 the previous articles had been discovered, and uncovered some articles.

(2 shovels were marked as Exhibits P-222 and P-223 for identification.)

Questions by the Attorney General:

Q I show you Exhibits P-222 and P-223 and ask you if you found these.

A I found these two shovels.

Q Where were they found?

A Approximately 30 feet north of the point where the explosives were found and about 2 feet under the sand.

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The Attorney General. I will ask that these photographs of shovels be marked.

(Photographs of the shovels were marked as Exhibits P-222-A and P-223-A for identification.)

(4 German marine caps were marked as Exhibits P-224, P-225, P-226, and P-227 for identification.)

(Photographs of the 4 German marine caps were marked as Exhibits P-224-A, P-225-A, P-226-A, and P-227-A for identification.)

Questions by the Attorney General:

Q I show you Exhibits P-224, P-225, P-226, and P-227 and will ask you if you can identify them.

A These four German marine caps were found in the same hole as the shovels at a point 30 feet north of the hole where the explosives were uncovered.

Q Are these photographs which I show you photographs of the objects which you have already identified? The first is P-227-A.

A Yes, sir.

Q P-222-A? State what each is.

A Yes, sir; a cap and a shovel.

Q P-223-A?

A Another shovel, yes, sir.

Q P-224-A?

A Another cap, yes, sir.

Q P-225-A?

A Another cap.

Q P-226-A?

A A hat, yes, sir. I found these.

The Attorney General. I offer these photographs in

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evidence and ask that they be spread in the record.

(Photographs, Exhibits P-222-A, P-223-A, P-224-A, P-225-A, P-226-A, and P-227-A were offered in evidence.)

The Attorney General. That is all.

Colonel Royall. No questions.

The President. If there are no questions by the Commission, the witness may be excused.

The Attorney General. Agent Donegan.

Lieutenant Page. Agent Donegan. This witness has been sworn to secrecy.

Colonel Munson. Mr. Donegan, you are reminded that you are still under oath.

Mr. Donegan. Yes.

THOMAS J. DONEGAN

was recalled as a witness for the prosecution and, having been previously duly sworn, testified further as follows:

DIRECT EXAMINATION

Questions by the Attorney General:

Q Mr. Donegan, Colonel Royall yesterday asked Agent Fellner the following question, which I quote from page 1527 of the record:

"That was the time Kerling stated that Agent Donegan in an effort to obtain a statement from him had struck him in the face?"

Did you ever strike Kerling?

A I did not.

The Attorney General. Cross-examine.

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CROSS-EXAMINATION

Questions by Colonel Royall:

Q Well, after he told you that you had struck him, you took him out in a private room alone, didn't you?

A He didn't tell me I struck him.

Q Well, you knew he made that statement and took him into a private room and got him to retract it, didn't you?

A An agent came into my office and told me that Kerling had made the remark that somebody brushed his face, and I told the agent to have Kerling brought in; in fact, I went back myself, accompanied by Agent Foster--I went back into my office and told Kerling that was a lie and asked him what it was based on.

Q You are quite certain that Foster went back into the office with you when you spoke with Kerling?

A Yes, I am.

Q Did you not talk alone with him at any time?

A No, I didn't.

Q In connection with this matter?

A No, I didn't.

Q Mr. Donegan, are you the same agent who made the statement to Mr. Dasch about the Presidential clemency?

A I talked to Mr. Dasch on Saturday the 27th, and I testified as to my conversation with Mr. Dasch.

Colonel Royall. That is all, sir; I do not care to ask anything else.

The Attorney General. No other questions.

The President. Are there any questions by the Commission? There seem to be none. The witness is excused.

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The Attorney General. With the permission of the Commission, I should like to have Agent Donegan stay in the room. He is in charge of certain exhibits. May he do so? He has now testified, and we should like to have him stay.

The President. If there is no objection.

Colonel Royall. There is no objection until the prosecution reaches the testimony relating to the defendant Thiel.

The Attorney General. Very good. We will now call Agent Fisher.

Lieutenant Page. This witness has been sworn to secrecy.

Colonel Munson. The witness is reminded that he is still under oath.

Mr. Fisher. Yes, sir.

W. WILLIS FISHER

was recalled as a witness for the prosecution and, having been previously duly sworn, testified further as follows:

DIRECT EXAMINATION

Questions by the Attorney General:

Q Do you know the defendant Neubauer?

A Yes, sir, I do.

Q Can you identify him?

A Yes, sir. He is seated right here (indicating).

Q Next to counsel?

A That is right, sir.

Q When was he taken into custody?

A On June 27, 1942, at about 6:45 p.m.

Q Where?

A In the Sheridan Plaza Hotel, Chicago, Illinois.

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Q Did you and other agents take him into custody?

A Yes, sir.

Q Who were the other agents?

A Special Agents E. C. Dixon, Earl Hirsh, and myself.

Q What did you do with him?

A He was immediately taken to the Federal Bureau of Investigation office at 1900 Bankers Building, Chicago, Illinois.

Q Did you search him?

A Yes, sir, I did.

Q What did you find on him?

A I found a wallet which contained \$351.88 in United States currency.

Q Do you remember the denominations?

A Not entirely. There were four \$50 bills in his effects, as I recall it.

The Attorney General. I will ask to have this wallet marked as an exhibit; also, this photograph of it.

(Wallet was marked as Exhibit P-228 for identification.)

(Photograph of wallet was marked as Exhibit P-228-A for identification.)

Colonel Royall. We object to this testimony in the absence of some waiver of search.

The Attorney General. I know of no rule of law under which a man cannot be searched and the evidence offered. This witness did not take the waivers, but they will presently be introduced.

Colonel Royall. Will they be introduced?

The Attorney General. They will.

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Colonel Royall. Then, the objection on that ground is withdrawn.

The Attorney General. We have them here.

Colonel Royall. If you say they will be introduced, that is satisfactory.

The Attorney General. I will ask that these waivers be marked for identification.

(3 waivers were marked as Exhibits P-229, P-230, and P-231, for identification.)

Questions by the Attorney General:

Q On what day did you say you apprehended him?

A June 27, 1942.

Q I show you three exhibits marked as P-229, P-230, and P-231, for identification and ask you if you can state what they are.

A Yes, sir. I have witnessed the waiver of removal and the waiver of custody; and the waiver of search was, although not signed by me as a witness, actually witnessed by me.

Q Who signed these waivers?

A The defendant Neubauer.

Q They were witnessed?

A Yes, sir.

The Attorney General. I offer these three waivers in evidence.

Colonel Royall. No objection.

(Exhibits P-229, P-230, and P-231 were offered in evidence.)

(Exhibits P-229, P-230, and P-231 are as follows:)

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*Exhibit 7*EXHIBIT P-229

/ "Chicago, Ill.

"June 27, 1942

"I, H. Nickolas, hereby authorize Frank Meech, W. W. Fisher and Jim Berg, Special Agents of the Federal Bureau of Investigation, United States Department of Justice, to conduct a complete search of my room located at Sheridan Plaza Hotel, Chicago. These agents are authorized by me to take from my residence any letters, papers, materials or other property which they may desire.

"This written permission is being given by me to the above named Special Agents voluntarily and without threats or promises of any kind.

(SIGNED)

"H. Nicholas

"WITNESSES:

"E. F. Enrich - FBI

"Earl Hirsh FBI." /

EXHIBIT P-230

"FEDERAL BUREAU OF INVESTIGATION

"UNITED STATES DEPARTMENT OF JUSTICE

/ "Chicago, Ill.

"June 27, 1942

Exhibit 9

"I, Herman Neubauer do hereby consent to remain under the continuous physical supervision of the Special Agents of the Federal Bureau of Investigation, U.S. Department of Justice, without immediate arraignment, and at such place as may

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be designated by the said Agents, while information furnished or to be furnished by me regarding any violation of the laws of the United States is being verified.

"This I regard solely as a step necessary for my protection during the progress of this investigation and my consent to this arrangement is, therefore, freely given by me without fear of threat or promise of reward. It is, however, not to be construed as an admission of guilt on my part.

"The foregoing having been read by me and having been to be a true and exact representation of my voluntary decision in the matter, of my own free will I herewith affix my signature in approval thereof.

"Hermann Neubauer

"WITNESS:

"E. F. Harich
"Special Agent, F. B. I.
"U.S. Dept. of Justice.

"W. W. Fisher
"Special Agent, F. B. I.
"U.S. Dept. of Justice." //

EXHIBIT P-231

Exhibit H.
/ "Chicago, Ill.

"June 27, 1942

"I, Herman Neubauer, having been first duly informed by E. F. Harich, Special Agent of the Federal Bureau of Investigation of the Department of Justice, that I have the right not to be removed from the Judicial District in which I was taken into custody without being first arraigned before a duly authorized

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judicial officer or magistrate and except by virtue of a warrant of removal issued for that purpose, do hereby waive my right to be arraigned before a duly authorized judicial officer or magistrate and my right not to be removed from the said judicial district except by virtue of a warrant of removal issued for that purpose, and do hereby freely consent and agree that I may be forthwith removed by representatives of the Department of Justice in their discretion to any judicial district of the United States, either for the purpose of questioning or for the purpose of being held to answer any criminal charge.

"I am executing this waiver and consent of my own free will, and without any pressure, compulsion or coercion of any kind whatsoever.

"The foregoing document was read to me before I signed it, and I fully understand its meaning and purport.

"Hermann Neubauer

"Witnesses:

"E. P. Ehrlich - F.B.I.

"W. W. Fisher
"Sp. Agt. F.B.I." /

- - -

Questions by the Attorney General:

Q I show you Exhibit P-228 for identification.
Did you take this from the defendant Neubauer?

A Yes, sir, I did.

Q That is the wallet you referred to a moment ago?

A Yes, sir.

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Q This is a photograph of it, Exhibit P-228-A?

A Yes, sir.

The Attorney General. I offer the photograph in evidence.

(Exhibit P-228-A, photograph of wallet, was offered in evidence.)

Questions by the Attorney General:

Q What did you find in the wallet?

A Contained in the wallet was a Selective Service registration certificate card dated October 16, 1940. There was also in the billfold a social security card.

The Attorney General. I will ask that the registration certificate and photograph of it be marked for identification; also the social security card and the photograph of it.

(Selective Service registration certificate was marked as Exhibit P-232.)

(Photograph of Selective Service registration certificate was marked as Exhibit P-232-A.)

(Social security card was marked as Exhibit P-233 for identification.)

(Photograph of Social Security card was marked as Exhibit P-233-A for identification.)

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Questions by the Attorney General:

Q I show you P-232. Is that the registration certificate?

A Yes, sir; it is.

Q I show you P-232-A. Is that a photograph of it?

A Yes, sir.

The Attorney General. I offer P-232-A in evidence.

(Photograph of Neubauer's Registration Certificate, previously marked P-232-A for identification, was received in evidence.)

Questions by the Attorney General:

Q I notice the words "Henry Nicholas" on this Registration Certificate. Did the defendant Neubauer say anything about that?

A Yes, sir. He stated he had signed this particular Registration Certificate in the name of Henry Nicholas.

Q When did he sign it? Did he say?

A He didn't say; no. He said the card itself was filled out by George Dasch; that the card had been given to him in Lieutenant Kappe's office in Berlin, and that he had signed his signature in the name of Henry Nicholas.

Q I show you P-233. Is that the Social Security card of which you have spoken?

A Yes, sir; it is.

Q What did the defendant say about it?

A He stated that this also was a fraudulent card, that it had also been given to him in Lieutenant Kappe's office in Berlin and that he had brought it over to this country to be used in connection with sabotage activities.

Q And is P-233-A which I now hand you a photograph

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of that card?

A Yes, sir; it is.

The Attorney General. I offer it in evidence.

(Photograph of Social Security card previously marked P-233-A for identification was received in evidence.)

The Attorney General. I will ask the reporter to mark this article and these photographs for identification.

(Zipper bag was marked P-234. Photographs handed the reporter were marked P-234-A, P-234-B, P-234-C and P-234-D.)

Questions by the Attorney General:

Q I show you P-234. Do you recognize this?

A Yes, sir.

Q What is it?

A It is a brown zipper bag found in the room of Neubauer at the time of his arrest. In it at the time of his arrest were found a green raincoat or slicker--

Q (Interposing) Is this (indicating) the slicker?

A Yes, sir.

Q Did you make a photograph of the slicker?

A No, sir; I did not.

Q What else?

A And blue bathing suit trunks.

Q Will you produce them?

A Yes, sir (producing an article of clothing).

Q Are these the trunks?

A Yes, sir.

Q Is this (indicating) a photograph of the trunks?

A Yes, sir.

The Attorney General. I offer the photograph marked

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P-234-C.

(Photograph of bathing trunks previously marked for identification P-234-C was received in evidence.)

Questions by the Attorney General:

Q What else?

A A hand towel.

Q I show you P-234-D. Is that a photograph of it?

A Yes, sir.

Q Anything else?

A A pair of shoes inside of the bag. At that time they were on the floor in his room.

Q Is this the pair of shoes that are in the bag here?

A Yes, sir.

Q And is this a photograph of the bag (indicating)?

A Yes, sir.

Q And this (indicating) of the slicker?

A Yes, sir.

Q What did the defendant say about these articles of clothing?

A I noticed that those articles had sand adhering to them, and I asked him how about all the articles, and he stated that when he left the submarine off the coast of Florida he was wearing the bathing trunks, and that in the slicker he had certain personal effects of his; that when he finished dressing he placed the bathing suit and the towel in the slicker and took them from there when he left the beach.

Q Did he say anything with respect to this bag?

A He stated that the bag had been purchased in Chicago

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in a department store since his arrival in the United States.

The Attorney General. I offer these photographs, P-234-A to P-234-D, inclusive.

(Photographs previously marked for identification P-234-A, P-234-B, P-234-C and P-234-D were received in evidence.)

The Attorney General. Cross examine.

Colonel Royall. No questions.

The President. There seem to be no questions. The witness is excused.

(The witness left the stand.)

The Attorney General. I will call Mr. Emrich.

I will ask the reporter to mark this document for identification.

(Statement of Hermann Neubauer was marked P-235 for identification.)

Lieutenant Page. This witness has not been sworn to secrecy.

Colonel Munson (addressing Mr. Emrich). The Commission requires, in addition to the oath taken by witnesses, an oath as to secrecy, and instructs me to state that violation of the terms of that oath will subject the offender to contempt proceedings or other proceedings of a criminal nature. In taking the oath you understand that to be the fact?

Mr. Emrich. Yes, sir.

Colonel Munson. Do you solemnly swear that you will not divulge the proceedings taken at this trial to anyone outside of this court room until released from your obligation by proper authority or required so to do by such proper authority?

Mr. Emrich. I do.

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Colonel Munson. You swear that the evidence you shall now give in the case on hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Emrich. I do.

ELMER F. EMRICH

was called as a witness for the prosecution and testified as follows:

Colonel Munson. Will you state, please, your name, office address, and occupation?

The Witness. Elmer F. Emrich. I am a Special Agent with the Federal Bureau of Investigation, assigned to the New York City office.

DIRECT EXAMINATION

Questions by the Attorney General:

Q Do you know the defendant Hermann Neubauer?

A Yes, sir.

Q Can you identify him?

A Yes, sir; right there (indicating).

Q Sitting next to counsel?

A That is correct.

Q Were you present when he was apprehended?

A Yes; I was.

Q Did you take his statement?

A Yes, sir; I did.

Q Who else was present?

A There were present in the room Agents Fisher and, for a part of the time, Agent Hirsh.

Q Was Agent Fisher there throughout the period?

A He was there throughout the period.

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Q Were you there throughout the period?

A Yes, sir; I was.

Q How was the statement taken?

A First, by general questioning and then thereafter it was dictated to a stenographer in his presence.

Q Was it handed to him when it was typed?

A That is correct.

Q Did he read it over?

A He read and initialed each page and signed the last page.

Q Where was the statement taken?

A The first statement of June 28 was taken in the Chicago office.

Q I am referring only to the statement of June 28.

A That is correct. It was taken in the Chicago office of the Bureau.

Q When?

A On June 28th.

Q How long a period did it cover?

A A portion of the interview was taken on the night previous, carrying over until approximately 12:15. Then the remainder of the statement was taken on the following Sunday afternoon, which was on the 28th.

Q I show you P-235 and ask you if that is the statement to which you have been referring.

A Yes, sir; it is.

Q Was that signed by Neubauer?

A Yes, sir; it was.

Q Did he read it over before signing it?

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A Yes, sir.

Q Did he sign each page?

A Yes, sir; he signed each page.

Q Did he make any corrections?

A I do not believe there were any corrections made.

Q Will you look at the statement and see whether he made any corrections?

A Yes. There was one correction made here (indicating).

Q On what page?

A On page 6 of the statement, wherein a stenographic error had been made as to a day. It was given as Friday, June 28, rather than Sunday, June 28.

Q Was that made twice on that page?

A It was made once on that page.

Q By whom was the correction made?

A This printing is my printing.

Q You mean, the ink writing?

A Yes, sir. The word "Sunday" is in my handwriting; and Hermann Neubauer signed his name thereunder.

Q There appears to be a further correction a little farther down the page. What is that correction?

A That correction is "Alma." The name "Emma" was typographically placed in there rather than "Alma" as being the name of his wife.

Q Who made that correction?

A It was apparently made by Agent Fisher.

Q Do you remember who made it?

A No, sir; I do not.

Colonel Royall. There is no question about it.

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Questions by the Attorney General:

Q Was each page signed by Neubauer?

A Yes, sir.

The Attorney General. I offer the statement marked P-235 in evidence and request that the witness read it.

Colonel Royall. No objection by the defendant Neubauer. The same stipulation applies.

(Statement of Hermann Neubauer dated June 28, 1942, Chicago, Illinois, previously marked P-235 for identification, was received in evidence.)

(EXHIBIT P-235)

The Witness (reading):

"Chicago, Illinois

June 28, 1942

"I, Herman Otto Neubauer, make the following voluntary statement to Special Agents E. F. Emerich and W. W. Fisher who have identified themselves to me as Special Agents of the Federal Bureau of Investigation, United States Department of Justice. No threats or promises have been made to me in securing this statement.

"I was born February 5, 1910, at Hamburg, Germany. I attended public schools and then served apprenticeship as a cook. While employed on the S. S. Hamburg of the Hamburg-American Line, I made trips to the port of New York of the United States and in June or July of 1931, when I arrived in New York City, I jumped ship and took employment on the S. S. Leviathan of the U. S. Lines as a first class cook, and later made eight trips to Southampton.

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"Around Christmas of 1931 I was laid off. I obtained work as a cook at the Heublien Hotel, Hartford, Connecticut, staying there until April of 1932. I then went to New York where I signed on with the Mattson Line on a new ship named the S. S. Monterey which was just completed at Boston, Massachusetts, where I boarded it for its maiden voyage to San Francisco, California.

"While I was employed on the S. S. Monterey in the fall of 1932, I filed my first papers for United States citizenship at San Francisco, California. I made four voyages from San Francisco to Australia on the S. S. Monterey and then made a change to the S. S. Lurline of the same company where I was employed from January to April, 1933, leaving the boat at Honolulu to enter the hospital for the purposes of taking treatment for a venereal disease. About three months later, I traveled to Chicago, Illinois and took employment at the Chicago World's Fair in July of 1933 by Swift and Company where I remained until the closing of the World's Fair in October of 1934.

"Following this, I was employed at the following places as a cook; Atlantic Hotel, Chicago, Illinois from January to April, 1935; Palmer House, Chicago, Illinois, from April, 1935 to April, 1936; the Old Heidelberg Restaurant, Chicago, Illinois, until August, 1936; Bismarck Hotel, Chicago, Illinois, from October, 1936 to March, 1939.

"I then went to New York City where I signed on the S. S. Brasil on the Moore-McCormick Line in May,

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1939, making two trips to South America. I then changed to the S. S. Manhattan of the U. S. Lines and made only one trip, leaving New York City around August 21, 1942, for Hamburg, Germany, but the vessel was stopped when it reached Le Havre, France, due to the fact of the outbreak of the war and this vessel, thereafter, made an immediate return trip to the Port of New York by way of Southampton.

"Upon arriving in New York City on about September 9, 1939, I was laid off, and was unable to find employment.

"The following October, Edward Kerling, Joseph Hussbaum, Ernest Metting, and Richard Ernest Heinze and I purchased the yacht 'Lekalla' from Paul Schwarz of New York City for the sum of about \$1,500 or \$1,800. We purchased this yacht for the purpose of returning to Germany and all of the men I have mentioned, together with a man named Capalette and Mrs. Maria Kerling, went by bus to Baltimore, Maryland, where we boarded the 'Lekalla' and left for the port of New York where we intended to drop Mrs. Kerling in New York City, but we were stopped by the United States Coast Guard at a point off of Atlantic City, New Jersey and were instructed to continue to go to the Coast Guard Station at Staten Island, New York.

"When we arrived we were questioned by agents of the Federal Bureau of Investigation and officers of the United States Coast Guard and Bureau of Immigration and Custom officials searched the boat. We were detained

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for three weeks and were told that we would not be allowed to make a voyage to Germany. We requested that we be allowed to go to Miami, Florida for the purpose of selling the boat and permission was granted with instructions that we were to report to every United States Coast Guard Station en route.

"Kerling, Nussbaum, Heinze, Metting, and I and two other men named August Kock and Kroeger, who were German aliens and seamen formerly with the Standard Oil Company of New Jersey, and who we asked to take us to Miami, left New York on the yacht and after about a week's sailing, we were stopped by the United States Coast Guard at Wrightsville, North Carolina, who detained us at Wrightsville for about nine days. During this time Kroeger and Kock left the yacht and said they were returning to New York. I then took a bus to Miami, Florida and the others were to sail the yacht to Miami.

"I got a job as a cook at the Dempsey-Vanderbilt Hotel in Miami Beach, Florida where I worked from about ten to twelve days, after which I worked at the Hoffbrau at Miami, Florida for about two months. During my employment at the Hoffbrau, my girl friend, Alma Wolf, 219 West North Avenue, Chicago, Illinois, came there and we were married on January 10, 1940. In April, 1940, we left Miami and went to New York City where we took one room with Max Schnabel, 315 East 86th Street, New York City, and I obtained a job at the Schlitz Brewing Company at the New York World's Fair, working about ten days. I then worked in the Boarshead Inn

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on Lexington Avenue in New York City during June and July of 1940.

"In July I left New York City on the S. S. Execorda of the American Export Lines with Joseph Nussbaum and Edward Kerling, going to Lisbon, Portugal, where we separated and I traveled alone by plane to Rome, Italy, and from there took a train to Hamburg which is my home. While in Hamburg, I stayed at the home of my parents, Otto and Emma Neubauer, on Nesselstrasse #14, Hamburg, Germany.

"I lived with them from August to November, during which time I was not employed. In November, 1940, I was drafted as a private into the German Army and assigned to the infantry. I received military training until May of 1941 at Magdeburg, Germany. During April, 1941, I was given a short furlough and went to Berlin, Germany to meet my wife who had come from the United States on a Spanish boat. I reported back to the Army and my regiment was moved to the Russian Front in Poland early in June, 1941. About three days after war was declared between Germany and Russia, my regiment was moved to the Front and, while we were waiting to go into action, I was wounded by an artillery shell which exploded in a small village where we were quartered. I was wounded in the leg, right cheek, and forehead by shrapnel.

"I was taken to the Stuttgart Military Hospital where I remained until November of 1941 for treatment of my wounds. At the present time I still have small shrapnel fragments embedded in my right cheek, in my

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forehead above my right eye, and in the calf of my left leg, which the doctors indicate they are unable to remove. I was then given six week's furlough due to this disability which time I spent with my wife and parents at Hamburg, Germany.

"On January 8, 1942, I reported back to the Army Medical Center near Vienna and I was placed under medical observation at a military hospital in Vienna until the end of March, 1942. I was then sent back to my regiment at Magdeburg, Germany and within about one week was contacted by an officer of the German Army who asked me about my knowledge of the United States. We talked about the cities in which I had lived and the places where I had worked and how well I knew the English language.

"Several days later, I was given a railroad ticket and written orders to report in three days to a training school in Brandenburg, Germany in civilian clothes. I received no information as to the type of school that was being run there or the purpose for the training.

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"I reported to the school in the middle part of April 1942 and I then learned that Edward Kerling was also a member of the school. At the school Kerling and I were grouped with Herbert Haupt and Bill Thomas whom I also knew as Thiel, and received instructions and schooling together. I had never met Haupt or Thomas until that time. The term of the school lasted for a period of about sixteen days and the hours we attended were usually from 9 A.M. to 2 P.M. or 9 A.M. to 4 P.M. and we also had recreational periods in the mornings. Most of our discussions and lectures were in English which was for the purpose of becoming familiar with the English language and customs. We were instructed in English and learned American songs. Our lectures were mostly about the use of numerous explosives and their chemical makeup and the manner of setting them off. We had no actual experience in setting explosives. We were also instructed in the use of secret writing. We were also told how to commit certain acts of sabotage and in particular were told about putting explosives on railroad tracks to cause wrecks of freight trains so as to stop transportation of any war material. We were specifically told never to wreck any passenger trains because they did not want any persons killed. We lived in quarters on what appeared to be a farm house and at various periods of the day my group was joined by another group possibly one or two other students. I cannot recall the names of the group but I have been shown pictures of Ernest

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Berger, Heinrich Harm Heinck and Richard Quirin whom I recognize as being members of the second group.

"When school had been completed a man in civilian clothes whose name I did not know spoke before the class in German and advised that we were being sent to the United States for the purpose of committing acts of sabotage and that we were to obtain employment of any kind as a cover. He also told us that Kerling was to be our leader and that we were to report to him and to receive instructions from him. I was then given a ten day furlough which I spent in Berlin with my wife and when I reported back to the school the group consisting of Edward Kerling, Herbert Haupt, Bill Thomas and myself immediately left Brandenburg by train for Paris and arrived in Paris where we remained overnight at a hotel where we were contacted by another man in civilian clothes whose identity I do not know. He told us that we were leaving for the coast of France and were going to depart for the United States on a submarine. This man went along with us on the overnight trip on the train to the west coast of France, and we were turned over to the captain of a submarine. While on the train from Paris to the coast each of us was given a greenish brown money belt which they told us contained four thousand dollars, but later I counted mine and it was three thousand eight hundred dollars. I also was given four hundred dollars which was made up of one, five, ten and twenty dollar bills.

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"The submarine immediately left and after about three weeks the four of us landed at Atlantic Beach, Florida early on Wednesday morning June 17, 1942. We were rowed ashore in a rubber boat by one of the crew members from the submarine and all of us were dressed in bathing suits only and were wearing a German soldiers cap, greenish in color, with the Nazi swastika emblem in front. We were also carrying our civilian clothes in a bundle under our arms. We also brought ashore with us four fairly large wooden boxes which we were told contained various types of explosives, fuses, etcetera, which we were to use in connection with our sabotage work. These boxes were carried about two hundred yards from the shoreline to a sand dune where we immediately buried them. The German caps which we were wearing were taken from us by Kerling and I do not know how he disposed of them. The clothes that I brought with me on the submarine to the shore were a dark blue double breasted suit with a white pin stripe which I had previously purchased at Bonds in Chicago; one pair of brown shoes which I had previously purchased in Hassels at Chicago, a gray sport shirt; a blue shirt; a white shirt; three pairs of socks, and a greenish slicker type raincoat which I previously purchased in New York. Also I brought my gold plated Bulova wrist-watch bearing the initials H N engraved on the back, together with a large Chinese gold ring with a blue setting.

"We then walked along the beach for about an hour

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or an hour and a half and then went up to the highway where we got a bus for Jacksonville, Florida. We arrived in Jacksonville on this bus at about noon on that date. Kerling and I then checked in at the Seminole Hotel in Jacksonville. Haupt and Thomas left us when we got off the bus and were going to register at another hotel. Before leaving I arranged to meet Haupt in Chicago at the Chicago Theatre on Sunday June 21, 1942 at 1.30 P.M. Kerling and I remained at the Seminole Hotel for two nights and during that time we purchased additional clothing and luggage.

"On Friday morning at 8.30 A.M. June 19th, 1942 we left Jacksonville and went by train to Cincinnati, Ohio where we arrived at 8 A.M. June 20, 1942. After we had had breakfast and walked around town it was about noon and Kerling left me to have lunch at the Gibson as he wished to look over the hotel because he was to later meet a member of the other group there who had come to this country, and the date of this meeting is unknown to me. During this time I had lunch at the Netherlands Hotel and Kerling and I again met at the Post Office at 2 P.M. After meeting there we went to a bar where we stayed for about one or one and one half hours. During our conversation we arranged to meet again in Chicago at the Knickerbocker Hotel on July 6, 1942, to discuss our future plans. When we left the bar Kerling immediately went to the railroad station to catch a train for New York City. I however,

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went to a movie and afterwards had dinner and then went to the railroad station to get a train for Chicago. I left Cincinnati at 11 P.M. on the Illinois Central Railroad, arriving in Chicago on the following morning, Sunday June 21st at 7 A.M. and immediately registered at the LaSalle Hotel. At 1 P.M. on this same date I met Herbert Haupt at the Chicago Theatre as we had agreed and we talked about our luck in arriving in Chicago from Germany without any trouble. We arranged to meet the following Wednesday in the same spot at 2 P.M. and did so, and at that time we took in a show at the Chicago Theatre. During our conversation on that date I informed him that I was to meet Kerling at the Knickerbocker Hotel on July 6th. We also made arrangements to again meet at the Chicago Uptown Theatre at 10 p.m. on Friday June 28, 1942.

"On Monday or Tuesday night June 22nd or 23rd, 1942 I visited the home of Harry Jaques and his wife Emma at 221 West North Avenue, Chicago, Illinois. I informed them that I had just arrived in the United States from Germany; that I had in my possession the sum of thirty six hundred dollars which I wanted them to keep for me until I might have use for it. Jaques agreed to keep the money for me and I turned over to him in an envelope of the LaSalle Hotel, Chicago, Illinois the sum of thirty six hundred dollars and told him that it might be necessary for me to contact him at various times to obtain money for expenses.

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This was the first time that I had ever met Harry and Emma Jaques but I knew about them through their acquaintance with my wife, and I recall that they sent us congratulations following our marriage, and my wife has visited with Emma's sister at Stuttgart, Germany during the time I was in the hospital. When I arrived at the apartment I first told them my name was Henry Nicholas, but I later told them that I was actually Hermann Neubauer, Alma Neubauer's husband, and that seemed to surprise them and they were not immediately convinced that I was Herman Neubauer until I had told them about my wife and their relatives in Germany and showed them my wound scars which they had learned about through letters from my wife. Although they no doubt got the impression that I had received the money from Germany I did not give any explanation to them and did not tell them how I had come to this country and they told me that they were not interested in knowing these facts.

"On Wednesday evening June 24th I left the LaSalle Hotel, Room 1813 and checked in at the Sherman Hotel Room 683. On Friday June 26th I checked in at the Sheridan Plaza Hotel. On Friday night at approximately ten P.M. I again visited the Jacques residence and I talked with them for two hours. During the conversation we discussed various things about Germany and our families in Germany and they mentioned to me that they had heard over the radio that German aliens were being landed in the United

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States by submarine, but I still did not tell them that I had come over on a submarine.

"Since my arrival in the United States and up to the time of my arrest I have contacted only two persons other than the four men who came over on the submarine with me, and they are Harry and Emma Jaques.

"During the time I was previously in Chicago I was a member of the German American Bund in the years 1935 and until the early part of 1936 when I was forced to resign due to the fact that I was not a citizen of the United States, which was a requirement of the Bund. At that time I, and a group which was forced to resign from the bund, became members of the Deutsch Volksbund at Chicago, Illinois, and I remained in this organization until 1939 when I left Chicago.

"In addition I recall that some time during July 1938 while I was living at 3544 Wolcott Avenue, Chicago, Illinois I applied for and purchased one thousand dollars worth of Rueckvanderer marks. At the time I made this application I gave as my address in Germany care of Otto Neubauer, Hamburg Fuhlsbuettel, Nesselstrasse fourteen. These marks were purchased by me from Hautz and Company at Chicago.

"I admit that I came to the United States with this group for the purpose of committing acts of sabotage and might have done so if the opportunity arose, but in discussing with Herbert Haupt the matter in general while in Chicago both of us talked about and felt that we would not have a bit of a chance to commit

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any sabotage.

"I have read the above statement consisting of this and six previous pages, and it has been read to me, and the information in it is true to the best of my knowledge."

That is signed by Hermann Neubauer and witnessed by myself and Agent W. W. Fisher.

The Attorney General. I would like to have this marked for identification.

(The second statement of Hermann Neubauer was marked Exhibit P-236 for identification.)

Questions by the Attorney General:

Q I show you, marked for identification P-236, a document dated June 30, 1942. Is this the second statement that you took from Neubauer?

A Yes, sir.

Q You took it on June 30th?

A Partially on June 29th and partially on June 30th. He was questioned a part of the time on the 29th and the statement was actually transcribed on the 30th.

Q And he signed this?

A He signed it on the 30th.

Q He signed each page?

A He signed each page in this statement, and he also affixed his signature at the end.

Q And you witnessed it?

A That is correct.

Q And he made some corrections on it before he signed

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it?

A I believe there is one correction on this, on page 2, which is--

Q Never mind what it is. There is a correction on page 2?

A Yes, that is right.

Q And he initialed the correction?

A Yes. There is also a correction on page 3, and he initialed that. There is a correction on page 4 and that is initialed by Neubauer.

The Attorney General. I offer P-236 in evidence.

Colonel Royall. No objection on the part of defendant Neubauer. The same stipulation.

The Attorney General. Will you read it please, Mr. Witness.

(Exhibit P-236, previously marked for identification was thereupon received in evidence and is as follows:)

EXHIBIT P-236

The Witness (reading):

"I, Hermann Otto Neubauer, make the following supplemental statement to Special Agents W. W. Fisher and E. F. Emrich, for the purpose of explaining in more detail information previously given to the above agents by me in a statement on June 28, 1942. No threats or promises have been made to me in securing this statement and I have been advised that same may be used in court.

"During the early part of March, 1942, while I

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was at the Army Medical Center near Vienna, Austria, I received a letter from a Mr. Cappe, who indicated himself as being a Lieutenant in the German Army. This letter was typewritten and made inquiry as to whether I would be willing to go on an assignment to a country where I had been for some time. The letter also requested that I give an immediate reply. I thereupon answered this letter advising that I would go on this assignment and addressed the letter to Lieutenant Cappe in care of the Feldpost number, which was the usual means of communicating with other members in the Armed Forces.

"About three weeks later, I was called to the company office and given a railroad ticket to Berlin, together with a slip of paper containing the address of an apartment on Rankstrasse and at this time was told to go to my home in Hamburg, Germany and obtain my civilian clothes and report directly to the apartment building, the address of which has been given. On the Wednesday before Easter, I left Vienna, Austria, by rail for Hamburg, Germany and after visiting at my home for about four days, I again departed in my civilian clothes for Berlin, Germany. On the day following my arrival in Berlin, I reported to the apartment where I was met by Lieutenant Cappe, as well as the other boys who were to attend the training school. The only person who I knew at the time I arrived at this apartment was Edward Kerling with whom I had returned to Germany from the United States in July,

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1940. There were also in the apartment at this time another group of four men whose last names I do not recall but who I remember as 'Pete', 'Dick', 'Heinrich' and 'George.' I have been shown numerous photographs and can identify the picture of Ernest Burger as 'Pete', the picture of Richard Quirin as 'Dick', the picture of Heinck as 'Heinrich' and the picture of George Dasch as 'George'. Another member of the group gathered there was a man who I remember as 'Scotty', but who did not complete the training. This man as best I can recall was small of stature, reddish complexion, reddish or copper colored hair and with a freckled face.

"When the entire group had gathered, the man who I knew as Lieutenant Cappe talked to us and advised that we were going through a training school where we could study the use of various types of explosives, how to use various chemical compounds, the knowledge of which we were to use in connection with a confidential assignment in a foreign country. I do not believe that any mention was made at that time of the fact that we were to be sent to the United States, but, we all were of the opinion that we were to be sent to that country, in view of the fact that we had all previously lived and worked in the United States.

"Thereafter, and on the same day, we all went to the railroad station in Berlin where the man who I identified as 'George' purchased our tickets and we left on the train for Brandenburg, Germany. This man

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directed us by street car and bus to a house in the country where the school was to be held. Upon arrival at the school we were shown our rooms by the superintendent of the building. For the next two days we did nothing other than to have recreation and sports. On the third day we met for the first time the instructors, who, as I recall were Doctors Schultz and Koenig. At this time, Lieutenant Cappe, who had also appeared at the school advised us that a schedule would be placed on the bulletin board indicating the time when we were to attend classes starting on the following day at 9:00 A.M.

"With regard to the actual training, we spent a period each morning engaging in sports and recreation. At 9:00 A.M. each morning we attended a class where we were instructed how to mix explosive compounds and how to use fuses and timing devices in connection with the explosives. This class would usually take until lunch period and immediately after lunch we would have a recreation period until about 2:00 o'clock. After 2:00 o'clock we would go to another class room where we would experiment in the mixing of explosives and use of these explosives which were taught us in the morning.

"In one of our morning courses, we were taught how to mix and to use secret writing. At other times during our training period, we would get together with Lieutenant Cappe and discuss actual possibilities of sabotage and cases of sabotage. I recall particularly

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that mention was made as to the sabotaging of aluminum plants as a method of cutting down the production of airplanes. Also, the sabotaging of railroad tracks to hamper or cut down the movement of freight within the country, he pointing out that German submarines were already taking their part in cutting down the movement of freight from one country to another. As an example of hampering the traffic of freight within the States, it was explained that sabotage on the Hell Gate Bridge in New York City would cause considerable damage as a great deal of traffic passed on the tracks of this bridge and it was specifically mentioned that it would be almost impossible to sabotage the bridge itself and suggested where the possibility existed the sabotage should be committed to the railroad tracks themselves which would gain the desired effect.

"During our course of training, we were each requested to submit in writing a longhand statement containing a history of the character which we were to assume when we reached the country in which we were to operate.

"The course of our actual training lasted for two full weeks and in all I believe we were at the school in Brandenburg for a period of about sixteen or seventeen days and around the end of April or the first part of May our training was completed and we were given a furlough for ten or twelve days, which I spent in Berlin and Danzig with my wife.

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"Prior to the time we had left the school we were instructed to report to the apartment on Rankstrasse on or about May 12, 1942. When we gathered in that apartment on the previous mentioned date, I, together with three members of my group and the four members of the other group were present with Lieutenant Cappe. We spent the next three days in making a tour around Berlin, in connection with which we were given actual instructions as to the exact manner that the various types of sabotage which we had learned should be performed.

"On Thursday, we were first taken to canal locks and were advised that the most effective way of sabotaging the locks in a canal would be by placing explosives (spreng mittel) near the hinges of the locks. They also mentioned the possibility of hampering any traffic or use of the canal by the sinking of a boat loaded with cement, this being carried out by placing the explosives in the hold of the vessel and upon the explosion would cause a hole to be ripped into the side of the boat permitting the water to mix with the cement, and causing the boat to settle to the bottom.

"On the next day, we were taken to a railroad yard where we were told that the signals, switches and controls were the most vital points there but we were told that most likely we would be unable to reach them with explosives but that we would, by placing an explosive along the track, destroy the rail or cause

the wrecking of the freight train. The instructor told us that we were not, under any circumstances to damage the tracks or rails of any trains carrying passengers as that would cause the killing of citizens which they did not want.

"He told us we could place sand in the grease boxes of the engine of freight cars.

"On the next day, all of us were taken to an aluminum plant at which time certain vital points of the plant were explained to us, such as the transformers and generators in the power plants. We were told that it would be extremely difficult for us to get inside of the plants in the United States and for that reason it would be necessary to cause another type of sabotage by wrecking the high tension towers which would cut off the power.

"With regard to the commission of actual sabotage, at the time we left Brandenburg on the bus we passed by a small bridge and at the time Lieutenant Cappe pointed out to us that it would take too large a quantity of explosives to blow up or wreck even a small bridge of that type but if the chance ever occurred, the greatest damage could be done to a bridge by placing the explosives near the two big carriers in the middle of the bridge.

"The following day, after we had completed our tours, we returned to the apartment on Rankstrasse at which time we were given a personal interview by Lieutenant Cappe during which interview he produced

and requested that we read over and sign two pieces of paper, the first of these being in the nature of a contract written in German whereby the German Government, in consideration for my agreeing to perform certain duties would deposit to my credit in a bank in Berlin, Germany the sum of two hundred marks per month during the period I was away from Germany on the assignment. It was also agreed that the German Government would continue to pay my wife the sum of two hundred and thirty-five marks per month, which sum she was at the present time receiving due to my being a member of the German Army. In addition, that in the event I do not return to Germany, my wife was to receive one hundred and seventy marks per month until the time of her death or remarriage. I do not recall whether this contract made any mention of the United States or the fact that my assignment was to be in the United States. After reading this contract, I signed the paper and gave it to Lieutenant Cappe.

"At the same time, I signed another paper which was in the nature of a pledge, although the provisions thereof are somewhat vague in my mind at the present time. However, it stated generally that I was not to tell any of my relatives or anyone the nature or purpose of my assignment. I am unable to state whether this pledge contained any penalty.

"At the time I signed ^{this} contract and pledge, Lieutenant Cappe told me that in the event I were

arrested in the United States, I was not, under any circumstances to divulge any information concerning my assignment. He also explained that in the event my mission to the United States was successful upon my return to Germany, I would be given a good position.

"I wish to state that at no time either during the training school period or prior to my departure from Germany was I required to take any other pledge to the German Government.

"I also wish to state that I made a trip to Hamburg, Germany, leaving New York City July 18, 1936 on the SS NEW YORK for the purpose of seeing the Olympic Games and returned to the United States at New York on the SS HANSA on October 27, 1936. I traveled on a German passport with the United States reentry permit which I obtained at Chicago, Illinois. I paid my entire fare on this trip and traveled third class.

"On July 11, 1940 when I left New York City on the SS EXOCHORDA for Germany, I had been given fifty dollars of my fare by Mr. Vogel of the German Consulate's Office in New York City and I traveled on a German passport. I did not have a reentry permit as I had no intention at this time of returning to the United States. When I arrived at Lisbon, Portugal on this trip the German Consul paid my plane fare to Rome, Italy. However, it was necessary that I sign a receipt for the ticket and I was told that it would be necessary for me to repay the amount when I was able to.

"My transportation from Rome, Italy to Berlin,

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Germany was taken care of by the German Consul at Rome, Italy. Many weeks later I received a letter from some Bureau of the German Government which informed me that as I had returned to Germany during the war, it would not be necessary for me to repay the amount of my plane fare from Lisbon, Portugal to Rome, Italy.

"In addition to joining the German-American Bund I became a member of the NSDAP at Chicago, Illinois during the summer of 1937, after having made an application before Doctor Tannenberg, then a German Consul in Chicago and I am still a member of that organization.

"I might state at the time I signed this application and it was accepted, it was necessary for me to take an oath that I was a loyal member of the Nazi Party.

"The above statement, numbering five pages has been read over by me and is the entire truth to the best of my knowledge."

That is signed by Hermann Neubauer and witnessed by myself and Agent Fisher.

The Attorney General. I will have this document marked for identification.

(The third statement of Hermann Neubauer was marked Exhibit P-237 for identification.)

Questions by the Attorney General:

Q I show you an exhibit marked P-237, dated July 3, 1942. Is this the third statement you took from Neubauer?

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A That is correct.

Q Did he sign it?

A Yes, sir, he signed it.

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Q Was it taken under the same circumstances as the other two statements were taken, that you have already testified to?

A Yes, sir, that is correct.

The Attorney General. I offer Exhibit P-237 in evidence and ask that the witness read it.

Colonel Royall. There is no objection by the defendant Neubauer; the same stipulation applies as to the others.

(Statement of defendant Neubauer, Exhibit P-237, was read by the witness as follows:)

EXHIBIT P-237

"I, Hermann Otto Neubauer, make the following voluntary statement to W. W. Fisher, and E. F. Eulich, whom I know to be Special Agents of the Federal Bureau of Investigation, United States Department of Justice. No threats or promises have been made to me in securing this statement and I have been advised that it may be used in court.

"I decided that I would give the money which I had been given in the money belt by Lieutenant Kappe to Harry Jaques in Chicago, Illinois, while I was on my way to Chicago. The reason I picked out the Jaques was because they were friends of my wife and I knew they were Germans and did not believe that they would give me away.

."On either Monday or Tuesday night, June 22 or 23, 1942, at approximately 10 P.M. I called Harry Jaques by telephone from the Sedgewick El station in Chicago and asked him whether I could come up and speak to him

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for a few minutes. I also asked him whether anybody was at home with him. Jaques told me that only he and his wife were at home and that I could come right on up.

"I then walked directly to the Jaques home at 221 West North Avenue, Chicago, Illinois and went directly to their apartment on the top floor of that building and when I went into the apartment I introduced myself to Jaques and his wife as Nicholas.

"As we were going into the living room I said: 'I guess it looks kind of funny for me, a stranger, to drop in on you, you don't know me.' I then told them that I would tell them who I was in a minute.

"I next asked them whether they knew Alma Wolf and they looked kind of funny and then I said that I was her husband. Mrs. Jaques then asked me where my scars were and where I was in the hospital. I told her I was in the hospital at Stuttgart and I exhibited to her the scar on my right cheek and on the calf of my left leg.

"I then told Mrs. Jaques that I knew her sister and brother-in-law and that her sister visited me while I was in the hospital and she said 'then you must be Hermann Neubauer' and that she thought she remembered me as I had looked familiar to her when I walked in, but she could not place me.

"After we had talked about our families in Germany, Mrs. Jaques went into the kitchen to fix some coffee and sandwiches. It was at this time

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time that I told Harry Jaques that I had arrived on a submarine and I told him also that I was here to do some work for the German Government. I do not remember whether I mentioned to him that it was sabotage work, but I definitely feel that he got that impression because he immediately told me that he didn't want to hear any more about it. I told Mr. Jaques that I had seen somebody already, I did not mention any name, and that he told me that quite a few Germans had been picked up and put in a concentration camp.

"I showed Mr. Jaques my Registration card on which my name appeared as Henry Nicholas, and told him I was going under that name and was living at the La Salle Hotel in town.

Sometime during this conversation his wife came in with the coffee and sandwiches. We then went on talking about Germany and our relatives there. I also told them that I was in the Germany Army and about my being wounded. We also discussed the conditions in Germany.

"During the conversation Mrs. Jaques mentioned to me that she had received a letter from Mrs. Maria Kerling in which Mrs. Kerling told her about her illness, and Mrs. Jaques also said that she was still paying for a suitcase or trunk belonging to me. I then told them that Maria Kerling's husband, Edward Kerling, had come over with me and that I was going to see him soon, but I did not tell them where he was in the United States.

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"I told them I had some money here and asked them if it would be all right for them to keep it for me. I also said that I would pick it up later and that I would probably not take it all at once. I had the money in two envelopes bearing the return address of the La Salle Hotel, Chicago. At this time I told them that I had received a money belt from the German Government which was supposed to contain \$4,000.00 (four thousand dollars), which I had brought to the United States with me, and told them that I had counted it and found it \$200.00 short. I told them this money was all in \$50.00 (fifty dollar) bills and I opened the envelopes and showed the money to them.

"I then counted out \$200.00 (two hundred dollars) from one of the envelopes and put it in my wallet. I then took the two envelopes with the remaining money and placed them in one envelope that was given to me by Mrs. Jaques and placed it on the coffee table.

"We talked for a while longer and then I left the apartment at about 2 A.M. the next morning and returned to my hotel room.

"On Friday night, June 26, 1942, at about 10 o'clock I again returned to their apartment and we continued our conversation with regard to our relatives in Germany and conditions in Germany. During the conversation I mentioned to them that I was now living at the Sheridan Plaza Hotel, Chicago, Illinois.

"During our talk they mentioned that they had heard on a news broadcast something with regard to aliens

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being landed in the United States by submarine. I told them this had been in the papers before.

"On the visit this evening to the Jaques home we did not again talk of my coming to this country or my purpose for being in the country. They, however, asked me whether I wanted some of the money and I told them 'No, I do not need any at this time'.

"I remained at the Jaques apartment until approximately 12:30 A.M. the next morning and then returned to my hotel room. Just before leaving I told them that I would most likely see them during the next week. I did not get an opportunity to see the Jaques again before my arrest.

"I have read this statement consisting of three (3) pages and it is true to the best of my knowledge.

(Signed) Hermann Otto Neubauer.
Hermann Otto Neubauer

"Witnessed by:

"E. F. Berich
"Special Agent

"W. W. Fisher
"Special Agent
"Federal Bureau of Investigation
"United States Department of Justice
"607 U. S. Court House
"Poley Square
"New York, New York."

Questions by the Attorney General:

Q In one of his signed statements, I think the defendant Neubauer stated that he got his uniform from the submarine; is that correct? In one of his signed statements, I understand that he first said he got his uniform from the

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submarine.

A I understood that he got--I understand the statement to read that he got it just immediately before he got on the submarine.

Q Just before he got on the submarine where?

A It would have been in France, according to what I recall him to have said.

Q You stated that Neubauer had discussed his plans with Haupt in Chicago. Did he tell you what day he had discussed those plans with Haupt in Chicago?

A It was on the Sunday that they met at one-thirty p. m. at the Chicago Theater. That was June 21.

Q As a result of information given you by Neubauer, did you go to the Jaques house at 221 West North Avenue, Chicago?

A Yes, I did.

Q What did you find there?

A Upon arriving at the house, I talked to Mrs. Jaques, and after she at first denied that she had the money, she finally said that she did.

Colonel Royall. We object.

Questions by the Attorney General:

Q Do not say what Mrs. Jaques told you. As a result of what Mrs. Jaques told you, what did you find?

A We found \$3,600 in an envelope which was hidden in a 5-gallon coffee can in the pantry off the kitchen in that apartment.

Q Was she present when you found it?

A She pulled it out of the can.

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Q Was her husband present also?

A Her husband was not present.

Q In what denominations was the money?

A There were 72 \$50 bills.

The Attorney General. That is all.

CROSS-EXAMINATION

Questions by Colonel Royall:

Q Who was with you at the time these statements were taken? What other P. B. I. agents?

A Special Agent W. W. Fisher.

Q Anyone else?

A On one occasion, for approximately one-half hour, Agent Earl Hirsch of the Chicago office was present during the time we took the statement on June 28.

Q You observed when you first saw the defendant Neubauer that he had sustained certain wounds, did you not?

A That is true.

Q You also noted that he was in an extremely nervous condition, did you not?

A That is true.

Q Is it not a fact that his condition was such that you or someone in your presence suggested that he might need hospital treatment?

A No, sir.

Q Was that discussed?

A No, sir.

Q Was it discussed that he might need a physician?

A No, sir.

Q Did he have a physician?

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A He did.

Q Who provided the physician for him?

A As a usual custom, we call in a physician immediately when we bring in a prisoner to the office.

Q Was he given some medicine or treatment at that time for his nervousness?

A Not to my knowledge.

Q You do not recall any prescription being given him?

A Not to my knowledge, no, sir.

Q Did you at any time examine his wounds or the nature of them? Did you make any examination of them?

A He exhibited his wounds to us, but I made no physical examination.

Q What did that consist of? Where were they located?

A There is a wound right alongside his right ear, and also he has a considerable wound on his leg.

Q Did he tell you where those wounds were sustained?

A Yes, he explained.

Q In the Russian campaign?

A In the Russian campaign.

Q He told you that he had been from time to time confined in a military hospital, did he?

A That is correct.

Q He told you that upon his being discharged from the hospital and while still being a member of the armed forces he was ordered from his regiment to this school, did he not?

A That is correct.

Q And that he went there because he was ordered?

A No, sir.

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Q He just stated he was ordered?

A I really can't answer that question that way.

Q But he did say he was ordered to go to the school?

A Yes, he received the orders.

Q Did he tell you that at the time he was ordered as a soldier to go to the school, he did not know the type of work that would be required of him?

A Will you repeat the question?

Q Did he tell you that when he received his orders to go to the school he did not know the type of work that he was expected to engage in at the school?

A Sir, I hesitate to answer that question on account of the order part.

Q I am not seeking to mislead you in any way, but did he tell you that when he went to the school he did not know the type of work he was to do?

A That is correct.

Q He told you that after he got there he found that the nature of the work expected of him was sabotage in America?

A Yes, sir.

Q That was the word he used in his statements and that you used in your questioning in describing it, wasn't it?

A Yes, sir.

Q Did he tell you that he was specifically instructed not to engage in any activity that would endanger human life?

A With regard to the railroad transportation, yes.

Q Did he not tell you that they had definite instructions, in addition to the railroad transportation, not to injure anyone?

A No, sir.

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Q He did not tell you that?

A No, sir.

Q What, if anything, did he tell you about his nervous condition after he reached America?

A I don't recall any particular statement.

Q Did he state that he had been extremely nervous since he was wounded?

A Yes, sir.

Q Did he tell you that at times he was threatened with what is known as a nervous breakdown?

A No, sir.

Q Did he tell you that during the entire course of the school he from time to time suffered, as a result, from nervousness?

A Yes, sir.

Q And that he also suffered that way on his trip here and after he arrived in America?

A On his trip here, yes, sir.

Q Did he tell you that as a result of that nervousness he had, shortly after his arrival, reached the conclusion that he would not try to carry out his plan?

A No, sir.

Q Did he tell you he had at any time abandoned the intention to carry out his plan?

A No, sir.

Q Who was present during his statement at times when you were not present? Anyone?

A Well, I was present during the entire time that each one of these statements was dictated. Prior to the time

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the actual dictation of the statement was carried out, we, of course--I, of course, questioned him virtually the entire time in order to get an idea of what we were going to put in the statement. There may have been periods of time of maybe five or ten minutes when I was out of the room and just Agent Fisher and some other agent might have been in with him.

Colonel Royall. That is all we care to ask.

The President. There seem to be no questions by the Commission. The witness is excused.

The Attorney General. Agent Stanley.

Lieutenant Page. Mr. Charles H. Stanley. This witness has been sworn to secrecy.

Colonel Munson. Mr. Stanley, you are reminded that you are still under oath.

Mr. Stanley. Yes, sir.

CHARLES H. STANLEY

was recalled as a witness for the prosecution and, having been previously duly sworn, testified further as follows:

DIRECT EXAMINATION

Questions by the Attorney General:

Q Do you know the defendant Neubauer, Mr. Stanley?

A Yes, sir.

Q Is this the defendant Neubauer here (indicating)?

A Yes.

Q Did you show him this cap, marked as Exhibit P-22 for identification?

A Yes, sir, I did.

Q What did he say about that?

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A He said this was a German military cap, one similar to the cap issued to him and the other members of his group in Berlin and worn by them on the submarine to America.

He said at the time he left the submarine, on landing on the coast of Florida, he wore this cap--wore a cap similar to this.

Q Did he say what kind of cap it was?

A He said it was a German military cap.

Q I show you Exhibit P-24, a duffel bag. Did you show that to the defendant Neubauer?

A Yes, sir, I did.

Q What did he say about that?

A He said this was a duffel bag similar to the one brought by his group from Germany to America in the submarine, and which was left on the submarine at the time they landed in Florida on June 17.

At the time they landed, their clothing was in this bag, he said--in a bag similar to this.

Q I show you Exhibits P-32 and P-39 and ask you whether you showed these to the defendant Neubauer. They are a pair of pants and a coat.

A Yes, sir, I did.

Q What did he say about them?

A He said this was a similar type uniform to that issued to him and the other members of his group in Berlin and worn by them on the submarine to America; and when they landed, they changed from the uniform as they landed in Florida on June 17.

The Attorney General. Cross-examine.

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Colonel Royall. No questions.

The President. The witness may be excused.

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Wilfong
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The Attorney General. I will call Agent Foster.

Colonel Royall. If the Commission please, I wonder if we might have a five-minute recess, since we are about to take up another defendant.

The President. We will have a short recess of ten minutes.

(A brief informal recess was taken, at the conclusion of which the following occurred:)

The President. The session is open. Proceed, please.

Lieutenant Page. This witness, Mr. Foster, has been sworn to secrecy.

Colonel Munson. You are reminded that you are still under oath.

H. G. FOSTER

was recalled as a witness for the prosecution and, having been previously duly sworn, testified further as follows:

DIRECT EXAMINATION

Questions by the Attorney General:

Q Mr. Foster, did you apprehend Werner Thiel?

A He was apprehended by Special Agents in Charge T. J. Donegan and Spencer J. Drayton. I was present, as well as Special Agent Emrich, C. F. Lanman, W. W. Fisher, and B. D. Rice.

Q When?

A On the night of June 23, 1942.

Q At what time?

A Between 11:30 and 11:50 p. m.

Q Certain waivers were taken. Who took them? Do you remember?

A Those were taken later.

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Q Where did you apprehend him?

A He was apprehended just a few feet west of the entrance to the Commodore Hotel on 42nd Street, New York City.

Q Where was he taken?

A To the office of the F.B.I. in New York City.

Q What time in the evening did you say it was?

A The arrest occurred between 11:30 and 11:50 p. m.

The Attorney General. I will ask the reporter to mark these documents.

(Three waivers signed by Werner Thiel were respectively marked P-238, P-239 and P-240 for identification.)

I offer in evidence P-238, P-239 and P-240, being waivers signed by the defendant Thiel; with the understanding that there is no objection to these waivers being received in evidence.

Does the Commission care to see them?

The President. No, thank you.

(Three waivers signed by Werner Thiel, previously marked P-238, P-239 and P-240 for identification, were received in evidence.)

Colonel Royall. I would like to ask a question for the clarification of the record. Are these waivers in each case identical in form except the one that I believe was altered in one case? Are you able to tell me that? Is the waiver of each of the defendants identical in form?

The Attorney General. I do not really know. I think they are substantially identical.

Mr. Hoover. Yes.

The Attorney General. Mr. Hoover tells me that they are

3w identical in form.

I will ask the reporter to mark these exhibits.

(A wallet handed to the reporter was marked P-241. Photograph of wallet was marked P-241-A. A Selective Service Registration certificate was marked P-242. Photograph of Registration certificate was marked P-242-A. Social Security card of Thiel was marked P-243-A for identification.)

Questions by the Attorney General:

Q I show you an exhibit marked P-241 and ask you if you can identify it?

A Yes, sir. This is a wallet which I removed from the person of Mr. Werner Thiel.

Q Is this (indicating) a photograph of the wallet, marked P-241-A?

A Yes, sir.

The Attorney General. I offer P-241-A in evidence.

(Photograph of wallet of Defendant Thiel, previously marked P-241-A for identification, was received in evidence.)

Questions by the Attorney General:

Q What did you find in the wallet?

A A Social Security card.

Q I show you P-243. Is this the Social Security card referred to?

A Yes, sir. This is the Social Security card.

Q Is P-243-A a photograph of the Social Security card?

A Yes, sir.

The Attorney General. I offer P-243-A in evidence.

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(Photograph of Thiel's Social Security card, marked P-243-A for identification, was received in evidence.)

Questions by the Attorney General:

Q What else did you find in the wallet?

A A draft registration certificate for Selective Service.

Q I show you P-242. Is that the Registration Certificate to which you refer?

A It is.

Q Did Thiel say whether or not he had written anything on that certificate?

A He did not say at the time.

Q Did he ever tell you whether or not he wrote anything on that card?

A That name, "William Thomas"; yes, sir.

Q He said he wrote that name on it?

A Yes.

Q When did he say he wrote it on that card?

A After we arrived at the office.

Q I do not mean when he told you, but when was the writing put on that card, if he told you that?

A At the time I originally asked him he did not tell me when he put it on.

Q Did he ever tell you when he wrote that name on the card?

A No, sir.

Q Did he tell you who gave him the card?

A No, sir.

Q Is this (indicating) a photograph of the Registra-

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tion Certificate, marked P-242-A?

A Yes, sir.

The Attorney General. I offer P-242-A in evidence.

(Photograph of Registration Certificate of Thiel, previously marked P-242-A for identification, was received in evidence.)

Questions by the Attorney General:

Q What else did you find in the pocketbook?

A There was also some money in the pocketbook.

Q How much?

A I removed \$554.06 in its entirety from his clothes.

A portion of that was in his wallet.

Q Do you remember the denominations of the money?

A One 50, some 20's, some 10's and some 1's.

The Attorney General. I will ask the reporter to mark this card.

(A hotel receipt was marked P-244 for identification.)

Questions by the Attorney General:

Q I show you P-244 and ask you whether or not you can identify it?

A Yes, sir. This is a receipt from the hotel for a room.

Q Where did you find it?

A It was also in the wallet.

Q Did you ask him about this?

A Yes, sir.

Q What did he say about it?

A He said that this was his room receipt at the Commodore Hotel.

6w

Q Is this (indicating) a photograph of the room receipt?

A Yes, sir.

(Photograph of hotel room receipt was marked P-244-A for identification.)

Questions by the Attorney General:

Q Will you read it, please?

A (Reading):

(EXHIBIT P-244-A)

"Important. Please read. We have your name and room rate listed as follows. If incorrect, kindly advise floor clerk at once."

That is signed "William Thomas," and on the lower left-hand corner above the word "Room" appears the number 908, and in the center of the card it says "Rate," and that is blank; and on the right hand corner of the card the word "Clerk" with a "C" over that word.

The Attorney General. I offer this photograph in evidence, being P-244-A.

(Hotel room receipt previously marked P-244-A for identification was received in evidence.)

Question by the Attorney General:

Q Did you find anything else in the pocketbook?

A No, sir.

The Attorney General. Cross examine.

Colonel Royall. No questions.

The President. There seem to be no questions. The witness is excused.

(The witness left the stand.)

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The Attorney General. I will call Mr. Gleason.

Lieutenant Page. This witness has not been sworn to secrecy.

Colonel Munson. Mr. Gleason, will you show your card to the reporter so that he will get your name correctly?

Mr. Gleason. Yes, sir (showing the reporter the card referred to).

Colonel Munson. Mr. Gleason, all witnesses before this Commission, besides taking the usual oath required of a witness, take an oath of secrecy. The Commission instructs me to inform you that violation of the pledge of secrecy taken in that oath may be punished by contempt proceedings or by other proceedings of a criminal nature. In taking the oath, therefore, you understand that to be the fact?

Mr. Gleason. Yes, sir.

Colonel Munson. You solemnly swear that you will not divulge the proceedings taken at this trial to anyone outside of this court room until released from your obligation by proper authority or required so to do by such proper authority?

Mr. Gleason. I do.

Colonel Munson. You swear that the evidence you shall now give in the case on hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Gleason. I do.

JOHN J. GLEASON, JR.,

was called as a witness for the prosecution and testified as follows:

Colonel Munson. Please state your name, office address, and occupation.

8w

The Witness. John J. Gleason, Special Agent, Federal Bureau of Investigation, New York City.

The Attorney General. I will ask the reporter to mark this document for identification.

(Statement of Defendant Thiel was marked P-245 for identification.)

DIRECT EXAMINATION

Questions by the Attorney General:

Q I show you what has been marked for identification as P-245 and ask you what it is.

A The signed statement that Special Agent J. D. McKinney and I took from Werner Thiel on June 25, 1942.

Q Will you point him out?

A That is the gentleman right here (indicating).

Q Next to counsel?

A Yes, sir.

Q When was the statement taken?

A It was taken--you mean, the statement itself?

Q Yes, sir.

A Thiel was questioned from 9 o'clock in the morning until noon.

Q Of what day?

A On the 24th of June.

Q In the New York City office?

A Yes, sir. He was questioned by me personally from 9 o'clock in the morning until shortly after noon, and then from approximately 5:30 until 9 o'clock; and then the following morning he was questioned from 10 until 12:30, and at 2:30 we started taking the statement and concluded at 8:30.

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Q When did you complete it?

A At 8:30 on June 25, 1942.

Q What agents were present during those days?

A On June 24, Special Agent J. D. McKinney, from 5:30 to 7:30. Special Agent W. W. Fisher stayed with us. During that time we obtained waivers. We also had other questions of him concerning the statement. Then for about two hours on the 25th Special Agent B. D. Rice was present. The remainder of the time just Agent McKinney and I questioned him.

Q Did he sign the statement?

A Yes, sir.

Q And it was witnessed?

A Yes, sir.

Q By whom?

A By J. D. McKinney and myself.

Q Did the defendant Thiel sign each page of the statement?

A Yes, sir.

Q Did he read the statement?

A Yes, sir.

Q Did he make corrections himself in the statement when he read it?

A Yes, sir. He made corrections when he read it, and he made corrections while it was being dictated. He was present at that time, and anything that he did not want to go in there, he said so at the time.

Q Did he initial the corrections in the statement?

A Yes, sir.

Q And they were made before he signed it?

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A They were made before he signed it.

The Attorney General. I offer the statement marked P-245 in evidence and ask the witness to read it.

Colonel Royall. May it please the Commission, I would like to examine this witness as to the admissibility of this statement, before it is received in evidence.

The Attorney General. There is no objection to that.

Questions by Colonel Royall:

Q Mr. Gleason, what time was he apprehended?

A I was not present at the apprehension of Thiel.

Q You do not know how long he had been in custody when you first came there?

A I began questioning him at 9 a. m., June 24, and it was my belief at that time that he had been in custody since perhaps midnight.

Q Who had him in custody from midnight on?

A That I cannot answer; I do not know.

Q Did you see Agent Donegan with him at any time?

A I have never seen Agent Donegan with Thiel.

Q Who delivered him to you?

A Special Agents Drayton, Rice and Stanley.

Q He did not make any statement to you about any mistreatment he had received, did he?

A On the contrary, he told me, in answer to a direct question which I asked him concerning his treatment, that everything was satisfactory with the possible exception of the fact that a gentleman with a gray streak in the front of his hair questioned him and swore at him and scolded him.

Q He did not tell you that Mr. Donegan had struck him?

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A He didn't say that Mr. Donegan had struck him; and he told the doctor in my presence that he had not been struck, at 9:30 a. m., on June 25.

Golding
fls at
3:30 p m

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Golding
fls
Wilfong
3:30 pm

Q Of course, you don't know what transpired before that, do you?

A No.

Q Were you with him then constantly from that time on until this statement was completed?

A From 9 a.m., yes, I was, on June 24th. From the time I originally took over I was with him constantly until the time he signed the statement.

Colonel Royall. Now, may it please the Commission, before this statement is received in evidence and before the Commission rules on it, I would like to have the privilege of examining the agent Rice as to what occurred during the period before this agent took possession of Thiel.

The Attorney General. I have no objection. The only evidence is that the statement was properly taken. We can have this witness removed and put on Rice.

The President. You wish whom?

Colonel Royall. Rice. He was on the stand before. I wish to examine him about this statement.

(Witness temporarily excused.)

The President. We will recall Special Agent Rice. Did you get that name?

Lieutenant Page. B. D. Rice. This witness has been sworn.

The President. All right, sir.

Colonel Munson. Mr. Rice, you are reminded that you are still under oath.

Mr. Rice. Yes, sir.

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B. D. RICE

was recalled as a witness for the prosecution and, having been previously duly sworn, testified further as follows:

FURTHER CROSS EXAMINATION

Questions by Colonel Royall:

Q Mr. Rice, did you apprehend the defendant Thiel?

A I did not apprehend him. I was present when he was apprehended.

Q Who was present at the time?

A Special Agent in Charge D. J. Donegan, Special Agent in Charge Spencer J. Drayton, Special Agent H. G. Foster, Special Agent W. W. Fisher, and Special Agent C. F. Lanman.

Q What time was he taken into custody?

A My recollection is that it was just about 11:30 at night.

Q What part of the night were you with him?

A I first saw him about 9:15 p.m. on June 23rd.

Q What time did you arrest him?

A About--I did not arrest him there, but he was arrested.

Q What time was he arrested, I mean.

A To my recollection it was between 11:00 and 11:30.

Q From the time of his arrest during what period were you with him?

A After his arrest he was taken to an automobile and asked what room he was staying in at the Commodore Hotel. I then went up with a search waiver and contacted the acting manager of the hotel and assisted in the search of the room that Thiel occupied with Kerling.

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Q Would you mind answering my question? What period were you with him in his presence from 11:30 on, say, until 9 the next morning?

A I then returned to the office about--

Q Were you with him when you went to the hotel?

A No, sir.

Q That is what I have been trying to find out. When were you with him?

A Starting about 1:30 o'clock in the morning, I was with him until shortly after 9.

Q In the morning?

A Yes, sir.

Q During the time you were with him did he complain of any mistreatment given him by Agent Donegan?

A No, sir.

Q He did not say anything about it?

A No, sir.

Q He did not mention it?

A No, sir.

Q Were you present when he mentioned it to Mr. Gleason?

A I do not recall of his making any complaints. I do recall that the doctor asked him if he had any complaints and he said no.

Q Did not he tell you that Agent Donegan had talked rough to him?

A I do not recall his saying about being talked to roughly.

Q Did he tell you that he had been struck and his hair pulled?

4b

A No, sir.

Q Who was with him during the period you were not with him?

A That is going to be pretty hard to tell.

Q I mean, which agents were with him at the time you were not with him; don't you know that?

A That is going to be pretty hard to say.

Q You don't know?

A Just what period are you referring to?

Q You say he was apprehended about 11:30. From 11:30 to one something who was with him?

A I could not say.

Q You don't know?

A I know when I last saw him and when I saw him again.

Q Who was with him when you last saw him?

A When I last saw him he was in a car with Special Agent in Charge Donegan, Special Agent H. G. Foster and E. F. Emrich.

Q Who was with him when you got back in his company?

A When I got back in his company I was with Special Agent C. G. Stanley and Special Agent in Charge Drayton, and at that time Special Agent in Charge Donegan turned Thiel over to us to continue questioning him.

Q Was Donegan the only one with him at that time when he turned him over to you?

A As far as I know, he was.

Q How much sleep did Thiel get that night from 11:30 until 9 the next morning?

A Between 11:30 and 1:30 I cannot say.

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Q From 1:30 on?

A From 1:30 on until 9 o'clock the next morning he did not sleep any.

Q Was he questioned continuously during that period?

A We were talking to him the best we could. He was rather reticent and for some periods of time he would not speak, but we were attempting to talk to him during that entire time.

Q How many of you were with him trying to talk to him?

A There were three of us.

Colonel Royall. I believe that is all I care to ask him.

The Attorney General. That is all.

The President. The witness is excused.

(The witness left the stand.)

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The Attorney General. Bring Mr. Gleason back.

The President. Who do you wish now, sir?

Colonel Royall. I do not care for any other examination on that feature of it.

JOHN J. GLEASON, JR.

was recalled as a witness for the prosecution and, having been previously duly sworn, testified further as follows:

Colonel Munson. The witness is reminded he is still under oath.

DIRECT EXAMINATION--RESUMED

Questions by the Attorney General:

Q Will you read Thiel's statement, Mr. Gleason? I have offered it in evidence.

Colonel Royall. You have offered it in evidence?

The Attorney General. I have offered it.

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Colonel Royall. The defendant Thiel has no basis upon which he can object at this time. The other defendants have the same stipulation.

(First statement of Defendant Thiel was thereupon received in evidence as Exhibit P-245, and is as follows:)

EXHIBIT P-245

The Witness (reading):

"New York, New York

June 25, 1942

"I, Werner Thiel, make the following voluntary statement to J. D. McKinney and J. J. Gleason, whom I know to be Special Agents of the Federal Bureau of Investigation, Department of Justice. I make this statement freely and voluntarily, no coercion or promises having been made to me to do so, knowing that it may be used against me in courts.

"I, Werner Thiel, was born March 29, 1907, at Essen, Germany, being one of nine children, which family consists of four brothers and four sisters besides myself. My father's name is Gustav Adolf Thiel; my mother's name is Louise Thiel, nee Frenkler, who are both presently living at 17 Haydn Street, Dortmund, Germany. My brothers' names are Adolf Gustav, who is 39 years of age and employed as a superintendent of a factory at Hamburg, Germany; Herbert Emil, who is 34 years of age, presently in the German army, stationed in Norway; Alfred Henry, who would be 31 years of age, but who was killed January, 1942, in the Russian campaign in the Donets Basin, and

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Guenter Otto, 22 years of age, who is in the army also, presently convalescing from the loss of his left eye. Our sisters are Agathe Thiel, who is 38 years of age and resides at home and who is employed in office work; Hilde Thiel, who is 36 years of age and resides at home and is employed in office work; Liesel (Louise), 27 years of age, who resides at home and is employed in office work, and Jennie Thiel, who is 24 years of age and resides at home, where she helps my mother in her house duties.

"I was educated in the public schools at Dortmund, Germany, from the spring of 1913, when I was six years of age, until I completed my eight years' course during the spring of 1921. At this time, I commenced serving an apprenticeship as a machinist in repair shops at the German railroads at Dortmund, Germany, which I completed April, 1925. However, during this period of time, I continued my education by attending the Geverber (commercial) school at Dortmund, in the evenings during the year of 1922. In 1923, I started to night school at the Westphalen High School at Dortmund, which course I completed in 1925, which was equivalent to a complete high school education. In 1925, which was at the completion of my apprenticeship, I obtained work in a small firm, whose name I cannot recall, but which was engaged in making bicycle equipment.

"This employment continued until the fall of 1925, when the firm became bankrupt, which resulted in

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my being laid off. In the fall of 1925 until April, 1927, which is the date of my departure for the United States, I was unable to find work. During this period of time, I remained at home and was supported by my parents.

"I arrived in the United States some time in April, 1927, at the Port of New York, on the 'S. S. Cleveland' of the Hamburg-American Line, and from New York I immediately went to Detroit, where I lived for a couple of weeks with a family named Neumann, who were related to an uncle of mine.

"Shortly after my arrival in Detroit, I obtained employment with the Ford Motor Company at Flat Rock, Michigan, as a tool and die maker. For this I received \$6.00 a day. This employment continued up until 1929, when I resigned. I was then out of work for approximately two months and then became employed by the Detroit Bodies Company in Detroit, Michigan, which continued for four months, when I then resigned. Approximately two weeks later, I obtained work with the General Motors Corporation experimental department in sheet metals.

"I remained there for several months and then resigned and went to work for Peerless Pattern Company, Detroit, Michigan, where I worked as a metal pattern maker and later as an inspector, but due to hard times, in November, 1929 I was laid off.

"I remained unemployed from November, 1929 until April, 1930, at which time I went to work for the

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Fisher Bodies Company, which work lasted for six weeks. I was then laid off because of this being seasonal work. While at Fisher's, I received \$60.00 a week. On May 15, 1930, I obtained work with the Chevrolet Motors Company at Flint, Michigan, which lasted for about four months, up until October, 1930, when I was laid off again, this also being seasonal work.

"At this time, I came to New York City, which was in October, 1930, and remained unemployed until January, 1931, when I obtained a job as handy man at Hunter's Island Inn, which is just above City Island, New York, at which time I continued this work until May, 1931, when I resigned to get back into my own trade as a machinist. Finding myself unable to get a job in this line of work, in August or September, 1931, I took a job as waiter and porter at the Home for Old and Infirm, which is located at West 105th Street. I remained at this position for a period of three years, up until June, 1934, when I resigned to take a job at Hammond, Indiana.

"Around the end of June, 1934, I obtained a job at the Betz Company, at Hammond, Indiana, as a benchman, making surgical instruments. A friend of mine, named Tony Cramer, whom I had known in Detroit, Michigan, in 1929, advised me of there being the possibility of obtaining work at Hammond because he was employed at Hammond, Indiana, at that time. However, times being

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bad, I was laid off from work at the Betz Company around May or June, 1935, at which time I obtained a job with the Kellogg Construction Company, whose main office is around Jersey City, New Jersey, and which was, at that time, erecting an oil refinery at East Chicago, Indiana. My employment with the Kellogg Construction Company was as a pipe-fitter's helper and later as a pump mechanic's helper, for which job I received \$1.10 an hour. I remained with this firm for several months, until the refinery was completed, at which time the Wadham Oil Company, for whom the refinery was being built, hired me to take care of the pumps.

"I remained at this position until January, 1936, when I was laid off, and at this time obtained a job with the Pacific Pump Company at Los Angeles, California. This employment was commenced some time around March, 1936. Being unable to do the lathe work to conform with their standards, I was laid off after about two months.

"I then took a sight-seeing trip from Los Angeles to San Diego, then back to San Francisco, and from there to Hammond, Indiana, at which place I arrived around the end of May, 1936. I then obtained a job as water tender at the St. Mary's Hospital at Hammond, Indiana, where my friend Tony Cramer was also employed. About this time, while I was employed there, Tony Cramer, my friend, made a trip to Germany to see his relatives.

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"This job lasted until December 1, 1936, when I resigned and went to Fort Myers, Florida, and where I invested \$300.00 in a friend's bake shop and delicatessen store. This friend was an acquaintance of mine named Tillman, who was a German baker who resided near Hammond, Indiana. My investment of \$300.00 in the bake shop business was lost because of bad business, and, on May 1, 1937, I left Tillman in Fort Myers, Florida, and came to New York, where I obtained work with Salz Brothers, a fountain pen concern located at 28th Street near Sixth Avenue, as a lathe man. I remained at this position until August, 1937, receiving \$25.00 a week.

"At this time I was advised by an acquaintance named Frank, whose last name I cannot recall, that the Budd Company at Philadelphia, Pennsylvania, was hiring people, so I then went to Philadelphia and obtained a job in the Budd Company's auto die shop, which lasted for a few weeks, up until October, 1937. This also being seasonal work, I was then laid off. I then returned to New York City in October, 1937, and remained unemployed until January, 1938, living on approximately \$200.00 which I had saved.

"In January, 1938, I went to work with the Watisch Gear Works, Brooklyn, New York, as a lathe man, which I continued until March, 1941, when I returned to Germany by way of San Francisco, Tokyo, and Moscow, at the expense of the German Consul at New York City.

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"I wish to state, at this time, that I am a member of the National Socialist Party in Germany. Before 1927, in Germany, I was not affiliated with this party, inasmuch as it at that time was very small. My father, Gustav Adolf, at that time always voted the Democratic ticket. In 1933, while I was in New York, I became interested in the rise of National Socialism in Germany. During this period of time, the Bund was founded, which was called 'Friends of New Germany,' Fritz Gissebi being the leader. In October, 1933, I joined this society, paying monthly dues, and managed to attend a few weekly meetings at Lexington Avenue and 85th Street, Turner Hall. At this time, the Society was formed to fight anti-German propaganda and boycott in this country and did not have any uniforms. At this time, too, the society was non-political.

"In 1934, when I went to Hammond, Indiana, I got together with a couple of fellows -- there were only about ten -- and we founded a local group of this society. I became the assistant leader. Bill Lange was the leader of the group at that time, and in a little while there were about thirty-two members. About 1935 I left the Bund, after having had an argument with a member, but after a short while I became a member again. I figured it would not make any difference if I really dropped out for a short while or not.

"Then I went to California. I did not have any-

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thing to do with the group out there. I came back to Hammond and I was not active any more. Of course, my activities as assistant leader really ended before I left for California, and then I was not anything more than only a member of the society. In 1936 I went to Florida and ever since I have had no connection with the Bund any more. The Bund became a strictly political organization at this time under a different name, and I didn't think it right that I, as a German citizen, should mix in American politics. In 1937, I came to New York. Ever since I left the Bund, I attended only one rally in Madison Square Garden in 1938.

"In 1938, while at New York City, I applied for party membership in the National Socialist Party, through the German Consul's office in New York City. Around the early part of 1939, I became a member, paying dues of \$1.00 a month at the Consul's office, and was listed as being a member of the NSDAP in the Ausland Group. This membership continued until I left the United States for Germany. While in New York, I was only an independent member of the NSDAP, because we didn't have any local group or activities. Upon my return to Germany in 1941, I was transferred from the Ausland Group to the Berlin Local Group, of which I continued to be a member.

"I always had a desire to return home to see my family. In October, 1940, I learned of the opportunity to return to Germany by way of Japan, through the insti-

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gation of the German Consul in New York City. At this time, I went to the German Consulate and filled out an application with Mr. Geier, a clerk at the German Consulate, for my return to Germany at the expense of the Consulate.

"Around the middle of March, 1941, I was supplied with tickets for my passage to Japan, by the German Consulate, and subsequently left New York City by bus and went to San Francisco, California. I was in San Francisco for two days, leaving there on March 27, 1941, aboard the 'Tatuta Maru', of the N. Y. K. Line, in company with forty or fifty other Germans.

"I wish to state at this time that upon my arrival at Detroit in 1927, I applied for my declaration of intention, which was subsequently issued, and then, after the receipt of these papers, I did not take out final United States citizenship papers because I could not decide whether I intended to remain in this country or go back to Germany.

"Regarding my trip back to Germany at the expense of the German Consulate, I wish to state that no job was offered me, but that I had intended to go to visit my family and to aid Germany in its war efforts, with the possibility of returning to this country at the end of the war.

"After boarding the 'Tatuta Maru', we were sixteen days in crossing to Yokohama. After arriving in Yokohama, I immediately went to Tokyo, where I remained about sixteen days. From Tokyo I went to Harbin,

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Manchuria, which took about three days en route. Upon arrival there, I remained three days, at which time, about May 7th, I proceeded en route to Moscow, crossing the Russian border at Manchule, which is on the Siberian Railroad. Upon my arrival at Moscow, which took about a week en route, I was there for several hours and then boarded a train for Germany, entering at Mankilea, which is located along the central part of Old Poland. I proceeded to go by train from Mankilea to Berlin, at which place I arrived about the middle of May, 1941. I remained in Berlin a couple of days. While there, I passed by the Auslands office and told them of my being back in Germany. I then went from Berlin to Dortmund, Germany, to visit my parents. I remained there for almost two months, until the middle of July.

"While I was at home, I rested up. I did not have any party activities, and nobody contacted me. In July, 1941, I decided to go to Berlin and look for a job. I thought I had better opportunities in Berlin to find myself a job over there, and I found a job at the Feilers Feinmechanic as an automatic screw machine set-up man. This concern was engaged in making war materials, the exact nature of which I am not aware. Prior to the war, the Feilers Feinmechanic Company was engaged in making typewriters and adding machines. I worked from 6:00 A.M. to 6:00 P.M. five days a week, receiving approximately 110 marks per week for my services. During this period of time, I lived in a

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rooming house, which was located at 5 Eberswalder Street, Berlin. ~~eating~~ my meals at restaurants.

"During this time of employment, in July, 1941, I went to the Auslands office in Berlin and told them that I was now in Berlin, having returned from Dortmund, and was presently residing in that city, and that I wished to be transferred to a local group of the party - NSDAP. After being transferred to the local group, I attended only one meeting, but continued to pay my dues. From this period on, up until April 1, 1942, I continued to work for the Feilers Feinmechanic Company, living a normal working man's life.

"However, one night around the middle of March, 1942, I attended a social meeting of the Auslands Group, at which time I met Walter Kappe, whom I had met in Chicago previously, in 1934. He was a member of the Friends of New Germany. Kappe, in 1934, was in Chicago as a representative speaker of the New York City society. During this social meeting in Berlin, I approached Kappe and told him I had seen him in Chicago. We at this time had a few drinks and talked generally about the United States and old times. It was at the same meeting that I met George Dasch, with whom I had crossed the Pacific en route from the United States to Japan on the 'Tatus Maru' in 1941. It was at this time that I renewed my acquaintance with him and talked with him a while. On this occasion, Dasch

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and I made arrangements to meet together about a week later at a small bar in West Berlin.

"I met Dasch at the bar, as arranged, and, during the evening, he asked me if I would like to go back to the United States. I was, of course, surprised, and couldn't imagine for what purpose. So I asked him questions as to why, and Dasch, on this occasion, would not give me any reason other than that it might be for the good of the Fatherland. However, on this occasion I couldn't give him an answer, so Dasch took my address at 5 Eberswaider Street.

"Around the end of March, he wrote to me, while I was thinking the proposition over. His letter requested me to see him at 6 Rang Str. in West Berlin in the afternoon during the latter part of March. On this occasion I met Dasch and Kappe. Kappe talked about how nice it would be for some of us fellows who knew the United States, to go back and do something for the Fatherland, and I agreed to this. At this time, I asked what this was all about, and Kappe didn't tell me much. He said that I would have to go some place to take a special course, which was to start after Easter.

"Around April first, I resigned my job with the Feilers Feinmechanic Company and went home to Dortmund, where I stayed for about a week. After Easter, on Wednesday, I went to Berlin and reported to a room, at 9:00 A.M., which is located on the fourth or fifth (top) floor at 6 Ranke Street, Berlin, at which time I

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met Kappe, Reinhold Barth, and a few other men, who later turned out to be my colleagues at the school.

"I remained here about an hour, and then all of us were taken to the Berlin Potsdamer Station, where we took the train to Bradenburg, Germany, arriving there about 2:30 P.M. the same day. We then disembarked, where we took a car to the end of the line, and then we took a bus and rode for about a half-hour to the end of the bus line. We then got off and walked for about five minutes to a large country farm house. This place, which appeared to be an old estate, turned out to be the school, which consisted of a large country house as a dormitory, a rifle range, pistol range, a laboratory, and a gymnasium.

"From Wednesday until Saturday of this week, we did nothing in the way of school work and merely used our time in getting acquainted with each other, playing sports, reading American newspapers and magazines, and during this time Kappe told us that there were going to be some fellows here to teach us to make some explosives. This school was operated by Lieutenant Walter Kappe and Special Leader Reinhold Barth. However, I wish to say that to this date I do not know what Department of the German Government was responsible for the operation of the school.

"On Sunday night of this first week, the instructors, whom I knew to be Dr. Schultze and Koenig, whose first names I do not know, arrived, and we students were introduced to them. The students were, as I

remember (phonetic) George Dasch, Richard Quientas, Heink, Swede or Jerry Swenson; Scotty, who was from Hamburg, and later dropped out of school; Ernest Zuber, who later dropped out of school also; Herbert Haupt, Herman Neubauer, Eddie Kerling, Pete Burger, and myself.

"Prior to the arrival of the instructors, we students were placed in two groups -- namely, there was one under the charge of Dasch as leader, including Quientas, Heink, Burger, Heink, Swede Swenson, and Scotty; whereas, in Eddie Kerling's group were Haupt, Neubauer, Zuber, and myself.

"Starting Monday, around April 13th, the first week of school, we had classes from 9:00 A.M. to 12:00 noon and two hours in the afternoon, receiving instructions on making of explosives, things that burned easily, incendiaries, detonators, timing instruments, and principles of chemistry. During the second week of school, we studied and experimented with some of the explosives and detonators. During the evenings, while at school, we usually read, talked, drank beer, and generally amused ourselves in this fashion.

"The third week of school we were given practical problems in which we had to go out and blow up objects without being detected, and we also discussed the use of secret writings and their formulas. The secret writing materials were taught to us in about two hours.

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We were instructed to use phenolphthalein and ammonia as a writing fluid and to develop this we were to use three spoons of cigarette ashes and two spoons of water, or glycerine could be used.

"The school was completed around April 29th, when we were to begin a vacation, being instructed to report on May 12th at 6 Ranke Street.

"At this time I wish to state that while we were in school we were instructed to make out a story for use in America in case we were asked to identify ourselves. My story was that I was born in Chicago, raised in Switzerland, went to school there, came back to the United States in 1927, where I remained.

"On April 29th, I left school and went home and I remained there until May 11th, at which time I returned to Berlin and took up my old residence at 5 Eberswalder Street. On Tuesday, May 12th, I reported to the office, 6 Ranke Street, where I found Lieutenant Kappe and my colleagues present. We all then went to look over the German railroad plant in Berlin, where we discussed the possibility of sabotage of railroad cars, bearings, and so forth.

"On Thursday, May 14th, we all went to a small town near Wittenburg in the State of Anhalt, where we looked over an aluminum factory. At this place we discussed the probabilities of disabling transformers in order to harm the aluminum industry.

"In the course of the school, we were told that there were three aluminum plants in the East, which

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section our group was to cover, one being in North Carolina, one in New York, near Buffalo, and the third one I don't remember just where, perhaps Virginia, which we were to attempt to disable.

"We remained at this little town, whose name I cannot recall, for the night, and on Friday, May 15th, we went to see another aluminum plant, which was nearby Wittenburg, and looked over the power stations and so forth. After this trip, we returned to Berlin. On Saturday and Sunday of this week we did nothing but what we pleased, I going out with some friends of mine. On Monday, the 18th, we all returned to the office, and sat around and talked about general things.

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"On either Tuesday, Wednesday, or Thursday, while at the office on Ranke Street, we were all give Draft Board and Social Security cards, having our fictitious names thereon, mine being William Thomas.

"About the same time we were issued the Social Security and Draft Registration Cards, Kappe and a man whose name I do not know gave each of us a contract to sign, which contained a pledge that we would do our best for the Fatherland and pledge ourselves to secrecy regarding our work. It also contained a clause for the benefit of the families left in Germany. My clause stated that I would receive 300 marks a month while in Germany, 50 of which were to be sent monthly to my parents in Dortmund, the rest of which was to be placed in my name in a bank in Berlin, the name of which I do not recall at the moment.

"On Friday, May 22d, we all left Berlin, bringing with us four boxes of explosive equipment, for Paris, France, and arrived there Saturday, the 23rd. We all stayed in a hotel near the Louvre. We remained here until Monday night, doing nothing but sightseeing.

"On Monday, the 25th, we took a train to Lorient, France, arriving there the morning of the 26th. My group, with Kerling as leader, separated at this time from Dasch's group, but both groups went to the same hotel, where we remained for the night. It was my understanding that my group was going to the coast of Florida and that Dasch's group was going somewhere on

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Long Island coast.

"While I was at the hotel, Kappe came to my room and gave me a money belt containing I believe \$4500 and \$500 in cash as pocket money. It is my understanding that the rest of the colleagues in this group received similar money belts, with the exception of my leader, Kerling, who received a considerable amount more. Of course, there was not an exact understanding about it, but we always assumed that in case we ran short of money we would receive more from Kerling.

"Around 8:00 P. M. on the 26th, we boarded a German submarine, and about an hour later, sailed from Lorient for America. We arrived on June 16th at a point on the Florida coast, somewhere between St. Augustine and Jacksonville, some time late at night. We four were put ashore in a rubber boat, being accompanied by a sailor from the submarine, along with the four boxes of explosives and our personal belongings. On reaching shore, the four of us went inland, not far from the beach, and buried the boxes. The exact spot as to where this material is buried I don't believe I could find again, because of its being a very dark night and I was very excited. Also, I was not told to pay any attention to this spot, leaving this matter up to Kerling.

"After burying this material, we all started walking fast up the beach for a couple of hours, and, as it became light, we saw buildings in the distance

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and later learned that it was Jacksonville Beach. At this time, we lay down for a couple of hours to rest, and then, noticing there being a highway nearby, we went down there and soon stopped a bus having a destination sign on it reading 'Beaches.' We boarded the bus and arrived in Jacksonville around noon, at which time we separated into pairs. Herby Haupt and I went to the Hotel Mayflower in Jacksonville. During the afternoon we went out to purchase some clothes and something to eat. The next morning, Herby left Jacksonville on an early train, for, I presume, Chicago. Around 8:30 A. M. I caught a train for Cincinnati, Ohio, where I was to meet Kerling.

"At this time I wish to state that during my stay in Jacksonville I did not contact anyone. I don't know of anyone being contacted by the other members of my group.

"I arrived in Cincinnati at 8:00 A. M. the following morning, and went directly to the Hotel Metropole. I met Kerling at the Gibson Hotel around noon the next day. We made plans to take the train to New York and agreed to meet at the bar close to the Metropole around 4:00 P. M. When I met Kerling at the bar, he had Neubauer with him. I don't know where Neubauer went from there, but believe Chicago, because we didn't talk long, as Kerling and I had to catch the train for New York. I don't know anybody in Cincinnati and didn't contact anybody while there.

"Kerling and I arrived in New York at 8:00 A. M.

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the morning after we left Cincinnati, and went directly to the Hotel Commodore. While in New York, we didn't travel around together other than to have our meals. I registered at the hotel under the name William Thomas, and Kerling used Kelly.

"Monday morning, June 22, 1942, at about 10:00 o'clock, I went to visit an old friend of mine, Anthony Cramer, of 171 East 83rd Street, New York City, whom I knew in Detroit, Michigan, when we roomed together in 1929 and whom I worked with at Hammond, Indiana, in 1936 and later knew in New York up to the time I returned to Germany in March, 1941. Cramer was not home, so I left a note for him to meet me that night at 9:00 P. M. at the Information Booth in Grand Central Station.

"Cramer came to Grand Central Station at 9:00 P. M., and we went to a tavern at the corner of 144th Street and Lexington Avenue. We discussed old times, and Cramer wanted to know how I returned and what I was doing in New York City, but I didn't tell him. I told him that I would tell him later, and put him off. We left each other around midnight and I returned to the Commodore.

"Cramer and I met again the next night at about 8:00 o'clock at the same tavern, and we spent the evening together again. I told him, during the course of the evening, that I had a money belt that I wanted him to keep for me for a while because I didn't want to carry it around with me. He agree to

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take it, so I took it off in the toilet of the tavern and gave it to him on 44th Street. I don't recall telling Cramer how much money the belt contained. After giving him the money, Cramer and I went to Thompson's Restaurant on 42d Street for coffee and pie and then we left each other again at about 11:30 P.M. We were to meet again a couple of nights later, but I was picked up by Federal officers shortly after leaving him.

"At this time, I wish to state that at no time was I instructed by the school or anyone in Germany or during my trip over here by submarine as to the possibility of leaving the United States by German aid. No arrangements were made as to means of signaling for transportation on German submarines or any manner of communication with Germany.

"I also wish to state at this time that both groups which were in school together were known as the Pastorius Group.

"I also wish to add the following information to this statement. In May, 1937, when I returned to New York City from Fort Myers, Florida, I resided on East 83d Street, somewhere in the 150's, near Lexington Avenue, correct address or name of the operators of the rooming house, of which there were two, I cannot recall. Around the early part of 1938 I moved to 164 (?) East 85th Street, where I remained until March, 1941, when I then moved to 171 East 63rd Street, living at the same place that a friend resided, Cramer, until leaving

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New York City for San Francisco and my subsequent departure from this country March 27th.

"I have read this statement, consisting of ten pages in addition to this page, and it is true to the best of my knowledge and belief. I have initialed the bottom of each of the preceding pages and am signing this page, of my own free will.

"(Signed) Werner Thiel

"Witnesses:

"J. D. McKinney

"Special Agent, Federal Bureau of
Investigation,
"U. S. Department of Justice,
"New York, N. Y.

"J. J. Gleason

"Special Agent, F.B.I.
"U. S. Dept. of Justice
"New York, N. Y."

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The Attorney General. I will ask that this statement be marked for identification.

(Statement of Werner Thiel dated July 3, 1942, was marked as Exhibit P-246 for identification.)

Questions by the Attorney General:

Q Did you take a second statement from Thiel?

A Yes, I did.

Q When did you take the second statement?

A On July 3, 1942.

Q Did he sign it?

A He signed it.

Q Was it taken under the same circumstances as the

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first statement was taken?

A It was taken under exactly the same circumstances.

Q I show you Exhibit P-246 for identification. Is that the second statement?

A This is the second statement.

The Attorney General. I offer Exhibit P-246 in evidence and ask that the witness read it.

Colonel Royall. There is no objection by the defendant Thiel; there is the same stipulation as to the other defendants.

(Exhibit P-246 for identification was offered in evidence.)

Questions by the Attorney General:

Q Go ahead.

A (Reading)

"EXHIBIT P-246

"New York, New York

"July 3, 1942.

"I, Werner Thiel, make the following supplementary statement to J. J. Gleason and J. D. McKirney whom I know to be Special Agents of the Federal Bureau of Investigation. I make this statement as an addition to my original statement given on June 25, 1942, freely and voluntarily, no threats or promises having been made to me to do so, and knowing that it may be used in a Court of Law against me and having first been advised that I do not have to make this statement.

"Concerning the information that I previously furnished concerning the time while I was in school at Brandenburg, Germany, I wish to state that Walter

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Cappe and Reinhold Barth at no time told us to sabotage any particular war production plants, with the exception of three aluminum factories in the East, they being, as I recall, one at Alcoa, Tennessee, one at Messina, N. Y. near Buffalo, and I believe the other to have been somewhere in North Carolina. As I recall now, an aluminum plant at East St. Louis, Illinois, was mentioned during our various discussions at the school but this was not assigned to our group to be taken care of. We also were to cripple the Newark railroad yards as I recall, and there was talk about disturbing traffic over the Hell Gate Bridge, New York City, and also creating panic amidst public places in the East in the vicinity of New York City.

"I wish to state that prior to leaving school, Cappe and Barth advised the members of the group that they did not know so much about the United States during war time, and that our instructions were to look around for the most vulnerable spots in the American aluminum industry plants; the Newark railroad yards; the vicinity of the Hell Gate Bridge and disable them, this being left to our discretion. I wish to state that we were given no instructions to damage any other type of war industry while in this country other than the aforementioned.

"Concerning my activities after arrival in New York with Edward Kerling, I wish to state that on Sunday, June 22, during the afternoon, Kerling and I went to Astoria, Long Island, to see Helmut Leiner.

At the time of our approach to his house, which is on 21st St., Kerling remained behind and I went up to the porch where I saw a man standing. I asked him if Helmut Leiner lived at this address. This man, who later turned out to be his father, told me that Helmut was in the house. I had previously known Helmut in Yorkville, which is the vicinity of E. 86th St., New York City, in 1940, who also was a Party member and who became sick in 1940. I hadn't seen him in some time and as I walked up the porch I saw some women sitting there and also a person whom I recognized to be Helmut, seeing him on this occasion for the first time since he became sick. I proceeded to shake hands with him and remained with these people for a short while visiting with them and then told him to walk down the street, which he did. We then met Kerling. From this point we returned to New York City where we went to the Blue Ribbon Restaurant on 44th St. off Broadway and had dinner. From the Blue Ribbon we went to the 44th St. Tavern Inn where we remained about three hours, drinking a few Tom Collins'.

"I wish to state that Leiner, upon first seeing Eddie back in the country was quite surprised and he and Kerling talked about how Mrs. Kerling was getting along.

"During the evening while we were at the Tavern Inn I requested Leiner to do me a favor, to find my friend Anthony Kramer whose address was last known to be 171 E. 83rd St., and to tell him that Franz from

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Detroit wanted to see him on Monday around 9 p.m. at the Grand Central Station Information Booth. Leiner agreed to do this. At this time I instructed Leiner that if he did not see Kramer, to leave a note under his door.

"On Monday June 23rd, Tony Kramer met me at the Information Booth at Grand Central Station and upon first seeing me he looked at me as though he could hardly recognize me. Later Kramer told me that when he looked at me he thought that I first looked like Werner Thiel but appeared not to be because of having lost weight, I having lost about 25 pounds since he saw me last. Tony expressed surprise upon seeing me and asked me why I was back in the United States and how I had gotten back. I didn't tell him anything first of all. I told him that I might tell him later on but I said it just to put him off because I didn't want to put him in trouble on my account. You see, I was mostly interested in seeing him because I had known him for so long; I had known him for 12 or 13 years. Kramer may have suspected how I got over here but I did not tell him.

"During that evening we talked generally about mutual friends of ours the majority of whose names I cannot recall; one being August Kohorst who lives on 85th St. with whom I had bowled about three winters here in New York City. Also we talked about some of our former acquaintances at the Kolping House in New York City whom we had known when visiting there on

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numerous occasions, one being particularly Bernard Hermann who is the former manager, presently running a saloon on Second Avenue. We also talked about the new manager whose name is Teddy Mendelein. The conversation in general was about conditions in general; the welfare of my family; the conditions and quantity of food which was being rationed and also about the Russian campaign.

"I wish to state regarding our landing in Florida, after we went in about 200 yards from the beach and buried the boxes, I gave an army cap which I was wearing at the time of the landing to Herby Haupt, then went off with the cap and shovels which we buried in the vicinity, the exact place I do not know. After this we walked up the beach for quite a way, passing some houses, and as it became light we were able to see some city buildings in the distance which later turned out to be Jacksonville Beach. About this time we came to a concrete wall and which appeared to be a wave breaker. We proceeded to lay down behind this for several hours resting up, at which time we arose and walked to a highway, taking a bus to Jacksonville as previously related.

"In addition to the information I have furnished in my previous statement concerning the school held in Germany in April, 1942, I wish to state that there were four others in the class whom I have not mentioned previously. These men were Dr. Mueller; Auschenberg and Marchefsky (phonetic) and a fourth man whose name

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I do not recall. Lieut. Gappe instructed the men in my group not to tell these men what we were doing in the class nor were we supposed to ask them for what purpose they were attending this school. In addition to the specific information which I furnished previously concerning materials used in class, I wish to add that we were given two formulas that I recall for making incendiaries. The first one consisted of 3 parts of copper mortum mixed with one part aluminum powder. This was to be ignited with a fuse. The second formula as I recall it was a combination of saltpeter, sulphur and flour which was also to be ignited with a fuse.

"We were also taught how to make a timing device from an ordinary clock. We were told to take two pieces of wire one of which was to be connected from a dry cell battery to the handle of the clock. The other piece was to be connected from the fuse to a certain place on the face of the clock which was taped underneath to prevent contact with the metal in the clock; the hand coming around touching this wire would complete the circuit causing an explosion.

"Concerning the choosing of the three aluminum plants in the East which our group was to handle, I wish to state that these were selected from various American magazines by Reinhold Barth which he pointed out to us were to be attacked.

"While attending the school on one occasion, a Doctor, who is unknown to me, taught us secret writing,

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He told us that this course was for the purpose of writing between us members after arriving in the United States. I wish to state that I have never been instructed to communicate in any way with the other side, that is, Germany. In fact we were never to communicate. In fact we were never given any means to communicate with Germany or instructions to do so. However, I do recall having heard at some time that there might be an address to write to in Portugal. I do not know who was to write or what about. I am sure that no address was ever given to me or instructions to write to Portugal or at other place other than as above mentioned, amongst ourselves.

"Upon our arrival in the United States I was instructed to keep in touch with Kerling. It was anticipated by me that in order to ascertain each member's address so that we could later write to each other, I would have to get this from Kerling. I wish to state that I have never known a person named Reverend Krepper nor have I ever heard his name mentioned. However, I do recall having heard Kerling at one time mentioning having a friend or acquaintance known as Reverend, somewhere in New Jersey. I wish to state that I was never instructed to get in touch with this man on any occasion.

"I have read the above statement consisting of this and three preceding pages and state that it is true and correct to the best of my knowledge and belief. I have initialed each page to show that it

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is true, and signed the last.

(Signed) "Werner Thiel."
"Werner Thiel."

"Witnessed: by:

"John D. McKinney"
"Special Agent."

"J. T. Gleason"
"Special Agent,
"F.B.I.,
"Foley Square
"(U.S. Court House) N.Y.C."

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Attig at
4:20 p m

Questions by the Attorney General:

Q I show you what has been marked for identification P-247. Of what is that a photograph?

A I exhibited this picture to Werner Thiel in New York City on July 1, and he has written on the back (reading):

"I identify these four boxes as the boxes which were brought over on a submarine from Lorient, France, and which were buried on the beach south of Jacksonville, Fla. by Kerling, Haupt, Neubauer and myself on June 17, early in the morning."

That is signed "Werner Thiel" and witnessed by J. J. Gleason.

The Attorney General. I offer P-247 in evidence.

(Photograph of boxes brought over on submarine, previously marked P-247 for identification, was received in evidence.)

Questions by the Attorney General:

Q I show you Exhibits marked P-248 to P-255, both inclusive, and ask you what these photographs represent. What are they photographs of?

A These are photographs of the explosives, detonators, and incendiary materials brought over here in those four boxes; and Thiel has written an individual identification on each of these photographs.

Q In his own handwriting and signed by him?

A In his own handwriting and signed by him, yes, sir, in my presence, and witnessed by me.

Q Read the first one you have there.

A P-248. It is dated "7-1", and the notation says:

"In center foreground of picture are detonators and

2w

blocks which go with the detonators as marked.

(Signed) "Werner Thiel"

Q Now, the next one.

A P-249. It is dated 7-1-42 and says:

"Detonators something similar to this were shown to the class in school in Germany in April, 1942."

(Signed) "Werner Thiel."

Q The next one?

A P-250. The picture is dated 7-1 and says:

"Pen and pencil set in picture similar to those shown in school in Germany in April, 1942."

(Signed) "Werner Thiel."

Q Now, what about P-251?

A It says:

"These black boxes are timing devices which were demonstrated to us in school in Germany April, 1942, and which we tested once."

(Signed) "Werner Thiel."

Q Now, P-252?

A It says:

"These are similar to the shovels used by Kerling, Neubauer, Haupt and myself to bury the four boxes which we brought from the submarine south of Jacksonville, Fla. early in the morning of June 17. The shovels we used had no strings attached to them."

(Signed) "Werner Thiel."

Q What does it say on P-253?

A (Reading):

"The black coils in this picture are fuses which were to be used with explosives. I saw similar fuses

3w

in school in Germany in April, 1942. The lumps of coal I believe are the camouflaged explosives which we were told in class we would be furnished."

(Signed) "Werner Thiel."

Q P-254?

A (Reading):

"This cap is similar to the one which I wore from the submarine to the shore south of Jacksonville, Fla., and which were buried by H. Haupt near the four cases of explosives."

(Signed) "Werner Thiel."

Q And P-255?

A (Reading):

"These timing device looks like the one I tested in school in Germany in April in 1942."

(Signed) "Werner Thiel."

The Attorney General. I offer in evidence exhibits P-247 to P-255, inclusive, and ask that they be spread in the original record.

(Photograph of four boxes, marked P-247 for identification, was received in evidence.)

Photograph of detonators and blocks, previously marked P-248 for identification, was received in evidence.

Photograph showing detonators, previously marked P-249 for identification, was received in evidence.

Photograph showing pen and pencil set, previously marked P-250 for identification, was received in evidence.

Photograph showing black boxes, previously marked P-251 for

4w

identification, was received in evidence.

Photograph showing two shovels, previously marked for identification P-252, was received in evidence.

Photograph showing black coils, previously marked P-253 for identification, was received in evidence.

Photograph showing cap, previously marked P-254 for identification, was received in evidence.

Photograph showing timing device, previously marked P-255 for identification, was received in evidence.)

The Attorney General. Cross examine.

CROSS EXAMINATION

Questions by Colonel Royall:

Q Mr. Gleason, I believe you found from your conversation with the defendant Thiel that he was not particularly well educated, did you not?

A I found that he had the equivalent of a high school education.

Q Did you find that he attended school only eight years, which would take him through the grammar grades?

A No.

Q I believe you found that some of his writings and expressions were not exactly literate?

A In English.

Q Did you talk German to him?

A No. I do not speak German.

Q He had been in America for some years, had he not?

A From April, 1927, until March, 1941.

Q Not seeking in any way to mislead you: did he not

5w

tell you, as embodied in this statement, that he went to school starting at six years of age, and completed an eight-year course?

A He did; from 1913 to 1921; and then he went for four years, evenings, obtaining the equivalent of a high school education.

Q Did he not say that the only thing he took in the evenings was an apprentice course in mechanics?

A No.

Q Did you find that all of his family connections were in Germany?

A To the best of my knowledge and recollection, they were all in Germany with the exception of the Newmans who were related to an uncle of his with whom he stayed when he first arrived in Detroit in 1927.

Q If in any of these matters you want to refer to the statement, you are at liberty to do so.

A I realize that.

Q I am not trying to mislead you.

A All right.

Q He did tell you that he had one brother killed during the war, and another one badly wounded, did he not?

A That is right.

Q And that that had happened shortly before he was approached by Kappe and Dasch about going to the school?

A He said that his brother was killed in the Donets Basin in January, 1942. I do not recall when the other brother was killed.

Q But it was in March, 1942, when this matter of the school was brought to his attention?

6w

A Yes.

Q He told you, also, that when the matter was first broached to him he did not understand exactly what its nature was?

A He said they did not tell him what the nature of it was, other than to go to the United States.

Q You found in talking with him that on matters of any detail and some matters of importance he always said, "I left that to the leader of my group"?

A No.

Q You found that in the case of his statement about the details of the trip that he left them to Kerling? Did he not state that on two occasions in his statement?

A He stated that relative to the burying of the boxes and the place where they were buried, he left that to Kerling.

Q When he came to decide upon the school he did not inquire about it at all; he just left that decision to the people who approached him, did he not?

A He said he asked them what it was about.

Q And they did not tell him?

A They said it was to go to the United States to do something for the Fatherland.

Q And that is the only inquiry he made?

A To my recollection, yes.

Q Did he tell you that he was uncertain as to whether he would ever carry his plan out; or what did he say about that?

A He said that it was a difficult thing to decide, but he thought that there were some things that he would do.

7w

However, he did not want to kill anybody. He also said that he supposed as time went on he probably would do some of those things.

Q What do you mean by "some of those things"?

A That is what he said. That is a quotation.

Colonel Royall. All right, sir. I do not think I have anything else to ask you.

Colonel Ristine. No questions.

The Attorney General. Does the Commission have any questions?

The President. No questions. The witness may be excused.

(The witness left the stand.)

The Attorney General. I have two witnesses who I do not think will take more than three or four minutes apiece. That will finish the prosecution's case completely. They are both Federal agents, and we are very anxious to get them back to their work. If the defense does not mind, we would like to put them on now.

The President. Please do.

The Attorney General. I will call Agent Charles H. Stanley.

Lieutenant Page. The witness has already been sworn.

Colonel Munson. The witness is reminded that he is still under oath.

CHARLES H. STANLEY

was recalled as a witness for the prosecution and, having been previously duly sworn, testified further as follows:

8w

DIRECT EXAMINATION

Questions by the Attorney General:

Q You have been sworn already, have you not, Mr. Stanley?

A Yes, sir.

Q Did you exhibit to the defendant Thiel certain articles of clothing?

A I did, sir.

Q Did you show him P-22, this cap?

A Yes, sir; I did.

Q What did he say about it?

A He said this was a German Marine cap, and it was similar to the cap issued to him in Berlin and the one worn from the submarine when he landed in Florida on June 17.

Q Did you show him this coat and pants, P-32 and P-39?

A Yes, sir; I did.

Q What did he say about them?

A He said they were similar to the uniform worn by him on the submarine and obtained in Berlin, and it was left on the submarine at the time they landed in Florida.

Q Did you show him these shovels, P-28 and P-29?

A Yes, sir; I did.

Q What did he say about them?

A He said that these shovels were either identical or similar to the ones used in burying the explosives on the beach in Florida on June 17, and that the shovels were brought from the submarine.

The Attorney General. Cross examine.

Colonel Royall. No cross-examination.

9w The President. If there are no questions by the members of the Commission, the witness will be excused.

(The witness left the stand.)

The Attorney General. I will call Mr. John G. Willis. Lieutenant Page. This witness has not been sworn to secrecy.

Colonel Munson. You have not been sworn in this case?

Mr. Willis. No, sir.

Colonel Munson. The Commission requires, in addition to the oath that is usually administered to a witness, that an oath as to secrecy be also administered. The Commission also directs me to inform each witness taking that oath that a violation of the same may result in contempt proceedings or other proceedings of a criminal nature. In taking the oath, therefore, you understand that to be the fact?

Mr. Willis. Yes, sir.

Colonel Munson. Hold up your right hand. Do you solemnly swear that you will not divulge the proceedings taken at this trial to anyone outside of this court room until released from your obligation by proper authority or required so to do by such proper authority?

Mr. Willis. So help me God.

Colonel Munson. You swear that the evidence you shall now give in the case on hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Willis. So help me God.

JOHN G. WILLIS

was called as a witness for the prosecution and testified as follows:

10w

Colonel Munson. Please state your name, office address, and occupation.

The Witness. John G. Willis, Special Agent, Federal Bureau of Investigation; presently assigned to the New York office.

DIRECT EXAMINATION

Questions by the Attorney General:

Q On June 29, 1942, did you go to the 86th Street branch of the Corn Exchange National Bank?

A Yes, sir.

Q Did you have with you an authority from Anthony Cramer to open a box at that bank?

A Yes, sir.

Q He gave you authority to open the box, and you opened it?

A Yes, sir.

Q What did you find in that box?

A I found 70 fifty-dollar bills.

Q You saw Mr. Cramer and got his authority to go to the bank?

A Yes, sir.

Q And did Cramer state to you what the bills in his box were?

A He told me the bills in his safe deposit box were the property of Werner Thiel, his friend.

Q That Thiel had given him?

A Yes, sir.

Q And you went down there and found them?

A Yes, sir.

llw

The Attorney General. That is all.

Colonel Royall. No cross-examination.

The President. If there are no further questions, the witness is excused.

(The witness left the stand.)

The Attorney General. Mr. President, I would prefer not to close my case technically until Monday, although that is all the evidence I expect to have. I should like to ask counsel for the defendants whether at this time they wish us to produce any other Federal agents. We are very anxious to get all of them back to their duties as soon as we can.

Colonel Royall. May it please the Commission, so far as the defendants whom Colonel Dowell and myself represent are concerned, we want to ask additional questions of Agents Hirsh and Drayton.

The Attorney General. We will have them back on Monday. If you should change your mind before that, you will let us know, I take it?

Colonel Royall. Yes. I do not know whether the ruling of the Commission when it is made on the question now before you will require the calling of any other agents or not; but Colonel Dowell and myself are willing to take the risk of not calling any except those two, in either event. We do not want to put these agents to any inconvenience.

The Attorney General. We will agree to bring back anybody at any time you wish, irrespective of any ruling, of course.

Colonel Royall. We think those two will be sufficient in either event.

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The Attorney General. Colonel Ristine, are there some agents that you wish to have return?

Colonel Ristine. Mr. Traynor.

Colonel Munson. And also Mr. McWhorter?

Colonel Ristine. We have an understanding that we will use a memorandum which he prepared, in lieu of his testimony.

Colonel Royall. I assume that you are deferring until Monday morning the hearing of argument?

The President. Yes.

The Attorney General. May Agent Donegan return to the court room on Monday to have charge of exhibits again?

Colonel Royall. There is no objection to that at all.

The President. The Commission now adjourns until next Monday morning at 10 o'clock.

(Whereupon, at 4:40 o'clock p. m., an adjournment was taken until Monday, July 20, 1942, at 10 o'clock a. m.)

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